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Planning Act 2008 (Cadent Gas Limited) – Statutory Undertakers' Land

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nationalgrid

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1. Application Under S127 and S138 of the Planning Act 2008 (Cadent Gas Limited) – 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 Energy Security and Net Zero (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.
- 1.1.2 The **3.1 Draft Development Consent Order (Revision G)** includes provision for the compulsory acquisition of land and rights in land, including the acquisition of “statutory undertakers’ 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 G)** 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 G)**

1.2 Section 127 of the Planning Act 2008

- 1.2.1 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 - A representation has been made, and not withdrawn, about an application for development consent; and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.
- 1.2.2 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 G)** 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 2008 Act is engaged by the **3.1 Draft Development Consent Order (Revision G)**.

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 G)** 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 G)** relates.

1.4 This Application

1.4.1 The relevant statutory undertaker for the purposes of this application is Cadent Gas Limited (“Cadent”). The Applicant proposes to acquire interests and rights in land, in respect of which Cadent also has interests and rights, with such interests and rights in land having been acquired by Cadent (Cadent’s Land) for the purposes of its undertaking.

1.4.2 Cadent has made representations to the Planning Inspectorate in relation to the application for development consent ([REP1-217 and REP1-218]). The Applicant is in ongoing discussions with Cadent regarding the application, but its representations have not currently been withdrawn.

1.4.3 If those representations are not withdrawn and the Secretary of State is satisfied that the land, or an interest or right in land, is used for the purposes of carrying on Cadent’s statutory undertaking, then the **3.1 Draft Development Consent Order (Revision G)** may only include provision authorising the compulsory acquisition of an interest or right over a statutory undertaker’s 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. Further, the **3.1 Draft Development Consent Order (Revision G)** 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.

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

1.4.5 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 – Sections A-H (Revision F);**
- **2.3 Works Plans – [Section A (Revision B), Section B [REP6-014], Section C (Revision C), Section D (Revision B), Section E [APP-021], Section F [REP6-016], Section G [REP5-021]];**
- **3.1 Draft Development Consent Order (Revision G);**
- **3.2 Explanatory Memorandum (Revision G);**

- **4.1 Statement of Reasons [Revision D];**
- **4.3 Book of Reference (Revision F);**
- **5.6 Planning Statement [APP-085];** and
- **6.1 Environmental Statement Chapter 1 – Introduction [APP-123].**

1.4.6 The **4.1 Statement of Reasons [Revision D]** sets out the justification for seeking compulsory acquisition powers within the **3.1 Draft Development Consent Order (Revision G)**.

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 D]** 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 2008 Act requires that the application is determined in accordance with the relevant NPS unless certain exceptions apply. The identification of the project as a critical national priority (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 EN-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 CNP of developing low-carbon infrastructure, thereby supporting the need case established in the **6.1 Environmental Statement Chapter 1 – Introduction [APP-123]**. Given the 2008 Act requirements set out in s.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 Cadent apparatus in connection with the project include the following:

- Access Road
 - Acquisition of a permanent right of access over land to installed permanent apparatus, no construction works are intended to be carried out as part of this access arrangement.
- Bellmouth Junction
 - Installation of bellmouth junctions are as detailed in 2.6.3 Design and Layout Plans - Traffic & Transport [APP-043].
- Construction Laydown
 - The construction laydown areas would store stone and other materials to facilitate the construction of the Project (predominantly for the haul roads). Material storage would typically only be needed for the first 12 months of construction and would likely store material to a maximum of 4 m in height at any one time.
 - It is assumed that they would generally be stripped of topsoil which would be stored appropriately and typically surfaced with stone chippings over geogrid. They would be reinstated to their former condition following their use
- Crossing Protection
 - 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 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
- 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 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.
- 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
- Outfall Working Area
 - To allow for appropriate drainage measures a small drainage pipe will be installed via excavation with the excavated strip then backfilled. An outfall area per drainage pipe installation has been identified and allowed for within the draft DCO and will be utilised as such.
- Pylon Work Area
 - 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:
 - Excavations are required for each pylon leg;
 - Foundation formwork (mould) is then inserted, cast, and filled with concrete;
 - The concrete is left to harden (set);
 - The excavated hole is backfilled to ground level; and
 - The foundation formwork would be removed and any remaining sub-soil subject to 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.
- Stringing Position
 - 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.
- Underground Cable Crossing
 - Standard open-cut installation typically involves the following processes:
 1. Appropriately fencing of the working area to secure the site from trespassing and livestock
 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]**.
- UKPN Pole Mitigation
 - 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.
 - UKPN Tower Mitigation
 - 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 would be removed during construction and reinstated where practicable following the works ■

Table 1.1 Proposed Works and Locations

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Pylon Work Area	563244	180271	Section H Sheet 7
Stringing Position	563244	180271	Section H Sheet 7
Overhead Line Crossing	563266	180281	Section H Sheet 7
Overhead Line Crossing	563322	180308	Section H Sheet 7
Overhead Line Crossing	563601	180219	Section H Sheet 7
Overhead Line Crossing	563613	180217	Section H Sheet 7
Overhead Line Crossing	563623	180254	Section H Sheet 7
Pylon Work Area	563624	180231	Section H Sheet 7
Crossing Protection	563632	180272	Section H Sheet 7

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Pylon Work Area	563632	180272	Section H Sheet 7
UKPN Pole Mitigation - Access Route	564216	194829	Section G Sheet 3
UKPN Pole Mitigation - Access Route	564216	194829	Section G Sheet 3
UKPN Tower Mitigation - OHL Dismantling	564301	194852	Section G Sheet 3
UKPN Tower Mitigation - OHL Dismantling	564301	194852	Section G Sheet 3
UKPN Pole Mitigation - Access Route	564382	194864	Section G Sheet 3
UKPN Tower Mitigation - Access Route	564382	194864	Section G Sheet 3
UKPN Tower Mitigation - OHL Dismantling	564392	193223	Section G Sheet 4
UKPN Tower Mitigation - OHL Dismantling	564392	193223	Section G Sheet 4
Overhead Line Crossing	564431	194864	Section G Sheet 3
Bellmouth Junction	564522	194860	Section G Sheet 3
Haul Road	564571	193616	Section G Sheet 3
Haul Road	564571	193616	Section G Sheet 3
Overhead Line Crossing	564595	193675	Section G Sheet 3
Overhead Line Crossing	564598	193667	Section G Sheet 3
Pylon Work Area	564612	193715	Section G Sheet 3
Overhead Line Crossing	565157	189723	Section G Sheet 6
Bellmouth Junction	565169	179793	Section H Sheet 6
Bellmouth Junction	565177	179842	Section H Sheet 6
Crossing Protection	565187	179886	Section H Sheet 6
Crossing Protection	565187	179886	Section H Sheet 6
Overhead Line Crossing	565193	179913	Section H Sheet 6
Crossing Protection	565201	179965	Section H Sheet 6
Overhead Line Crossing	565203	179970	Section H Sheet 6

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing	565212	195667	Section G Sheet 3
UKPN Pole Mitigation - Cable Crossing	565244	195803	Section G Sheet 3
UKPN Pole Mitigation - OHL Dismantling	565254	183985	Section H Sheet 2
UKPN Pole Mitigation - OHL Dismantling	565254	183985	Section H Sheet 2
UKPN Pole Mitigation - OHL Dismantling	565254	183985	Section H Sheet 2
Haul Road	565284	195922	Section G Sheet 3
Haul Road	565296	180118	Section H Sheet 6
Overhead Line Crossing	565296	180119	Section H Sheet 6
Bellmouth Junction	565297	180122	Section H Sheet 6
Haul Road	565316	180162	Section H Sheet 6
Haul Road	565431	196130	Section G Sheet 2
Pylon Work Area	565463	196101	Section G Sheet 2
Overhead Line Crossing	565469	196091	Section G Sheet 2
Overhead Line Crossing	565490	196172	Section G Sheet 2
Pylon Work Area	565497	196171	Section G Sheet 2
Pylon Work Area	565497	196171	Section G Sheet 2
Overhead Line Crossing	565522	183987	Section H Sheet 2
Overhead Line Crossing	565523	183980	Section H Sheet 2
Haul Road	565561	183986	Section H Sheet 2
Haul Road	565561	183986	Section H Sheet 2
Haul Road	565561	183986	Section H Sheet 2
Overhead Line Crossing	565584	183700	Section H Sheet 2
Haul Road	565595	183718	Section H Sheet 2
Overhead Line Crossing	565659	186352	Section H Sheet 1
UKPN Pole Mitigation - OHL Dismantling	565664	183986	Section H Sheet 2

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
UKPN Pole Mitigation - OHL Dismantling	565664	183986	Section H Sheet 2
UKPN Pole Mitigation - OHL Dismantling	565664	183986	Section H Sheet 2
UKPN Pole Mitigation - OHL Dismantling	565682	196414	Section G Sheet 2
Bellmouth Junction	565941	197136	Section G Sheet 2
Overhead Line Crossing	565943	197096	Section G Sheet 2
Bellmouth Junction	565955	197139	Section G Sheet 2
Overhead Line Crossing	565956	197106	Section G Sheet 2
Overhead Line Crossing	566038	182723	Section H Sheet 3
UKPN Pole Mitigation - Cable Crossing	566419	198621	Section G Sheet 1
Haul Road	566430	197522	Section G Sheet 2
Overhead Line Crossing	566489	197521	Section G Sheet 2
Stringing Position	566572	197506	Section G Sheet 2
Overhead Line Crossing	566577	198516	Section G Sheet 2
UKPN Pole Mitigation - OHL Dismantling	566612	198496	Section G Sheet 2
Bellmouth Junction	566635	198486	Section G Sheet 2
Overhead Line Crossing	567048	181909	Section H Sheet 4
UKPN Pole Mitigation - OHL Dismantling	567049	181884	Section H Sheet 4
Overhead Line Crossing	567049	181885	Section H Sheet 4
Crossing Protection	567052	181903	Section H Sheet 4
Crossing Protection	567099	181056	Section H Sheet 4
Overhead Line Crossing	567113	181107	Section H Sheet 4
Haul Road	567126	181174	Section H Sheet 4
Overhead Line Crossing	567142	181205	Section H Sheet 4
Haul Road	567157	181226	Section H Sheet 4
Pylon Work Area	567157	181226	Section H Sheet 4

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Stringing Position	567157	181226	Section H Sheet 4
Haul Road	569092	210853	Section F Sheet 5
Overhead Line Crossing	569137	210869	Section F Sheet 5
Overhead Line Crossing	580205	217876	Section E Sheet 5
Crossing Protection	580265	217898	Section E Sheet 5
Overhead Line Crossing	580267	217905	Section E Sheet 5
Underground Cable Crossing	603123	232377	Section C Sheet 10
Overhead Line Crossing	585636	220732	Section E Sheet 2
UKPN Pole Mitigation - Cable Crossing	585684	220664	Section E Sheet 2
Underground Cable Crossing	603152	232390	Section C Sheet 10
Haul Road	603156	232396	Section C Sheet 10
Outfall Working Area	603402	235150	Section C Sheet 9
Outfall Working Area	603434	232622	Section C Sheet 11
Underground Cable Crossing	603457	232001	Section C Sheet 11
Underground Cable Crossing	603458	232011	Section C Sheet 11
Haul Road	603721	233104	Section C Sheet 11
Haul Road	603724	233101	Section C Sheet 11
Haul Road	603736	233097	Section C Sheet 11
Construction Laydown	603740	233207	Section C Sheet 11
Access Road	604001	234701	Section C Sheet 9
Outfall Working Area	604369	235517	Section C Sheet 9
Outfall Working Area	604377	235515	Section C Sheet 9
Access Road	604930	236461	Section C Sheet 7
Haul Road	605817	237563	Section C Sheet 7
Haul Road	605818	237556	Section C Sheet 7
Access Road	607039	239852	Section C Sheet 6
Haul Road	590544	224658	Section D Sheet 8
Overhead Line Crossing	590568	224681	Section D Sheet 8

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing	591060	224849	Section D Sheet 7
Pylon Work Area	591168	224853	Section D Sheet 7
Crossing Protection	591753	225035	Section D Sheet 7
Haul Road	591881	225078	Section D Sheet 7
Stringing Position	591881	225078	Section D Sheet 7
UKPN Pole Mitigation - OHL Dismantling	591881	225078	Section D Sheet 7
UKPN Pole Mitigation - OHL Dismantling	591890	225075	Section D Sheet 7
Stringing Position	592595	227330	Section D Sheet 6
Overhead Line Crossing	592602	227329	Section D Sheet 6
Haul Road	592618	227302	Section D Sheet 6
Haul Road	592691	226978	Section D Sheet 6
Stringing Position	592691	226978	Section D Sheet 6
Haul Road	592900	227062	Section D Sheet 6
Haul Road	598484	230460	Section D Sheet 2
Haul Road	598490	230461	Section D Sheet 2
Overhead Line Crossing	598671	230513	Section D Sheet 2
Stringing Position	598811	230555	Section D Sheet 2
Overhead Line Crossing	604236	229540	Section C Sheet 12
Stringing Position	604245	229582	Section C Sheet 12
Overhead Line Crossing	604995	230005	Section C Sheet 12
Overhead Line Crossing	605027	229981	Section C Sheet 12
UKPN Pole Mitigation - Cable Crossing	605397	229899	Section C Sheet 13
Underground Cable Crossing	605552	229946	Section C Sheet 13
Haul Road	605555	229945	Section C Sheet 13
UKPN Pole Mitigation - OHL Dismantling	605555	229945	Section C Sheet 13

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
UKPN Pole Mitigation - OHL Dismantling	605556	229945	Section C Sheet 13
Overhead Line Crossing	605567	229950	Section C Sheet 13
Overhead Line Crossing	605924	249069	Section B Sheet 17
Haul Road	606013	249012	Section B Sheet 17
UKPN Pole Mitigation - OHL Dismantling	606013	249012	Section B Sheet 17
Overhead Line Crossing	606630	240216	Section C Sheet 6
Overhead Line Crossing	606656	240206	Section C Sheet 6
Outfall Working Area	606673	240198	Section C Sheet 6
Haul Road	606780	240159	Section C Sheet 6
Overhead Line Crossing	606781	240156	Section C Sheet 6
Bellmouth Junction	606871	248377	Section B Sheet 17
Overhead Line Crossing	607299	240510	Section C Sheet 5
Haul Road	607319	240559	Section C Sheet 5
Overhead Line Crossing	607560	256250	Section B Sheet 12
Overhead Line Crossing	607564	256254	Section B Sheet 12
Bellmouth Junction	607576	256242	Section B Sheet 12
Haul Road	607830	248040	Section B Sheet 18
Pylon Work Area	607831	248040	Section B Sheet 18
Overhead Line Crossing	607852	248022	Section B Sheet 18
Haul Road	608160	247944	Section B Sheet 18
Overhead Line Crossing	608165	247957	Section B Sheet 18
UKPN Tower Mitigation - OHL Dismantling	608174	247975	Section B Sheet 18
Haul Road	608186	247997	Section B Sheet 18
UKPN Tower Mitigation - OHL Dismantling	608458	247726	Section B Sheet 19
Overhead Line Crossing	608493	247714	Section B Sheet 19
Haul Road	608690	247665	Section B Sheet 19

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
UKPN Tower Mitigation - Access Route	608690	247665	Section B Sheet 19
Overhead Line Crossing	609196	246604	Section B Sheet 19
Overhead Line Crossing	609199	246600	Section B Sheet 19
Haul Road	609222	246658	Section B Sheet 19
UKPN Tower Mitigation - OHL Dismantling	609222	246658	Section B Sheet 19
UKPN Pole Mitigation - Cable Crossing	609271	246747	Section B Sheet 19
UKPN Pole Mitigation - Cable Crossing	609272	246747	Section B Sheet 19
UKPN Tower Mitigation - Access Route	609298	246805	Section B Sheet 19
UKPN Tower Mitigation - OHL Dismantling	609340	246900	Section B Sheet 19
Stringing Position	610941	281907	Section A Sheet 11
Overhead Line Crossing	610943	281914	Section A Sheet 11
Haul Road	610975	281854	Section A Sheet 11
Bellmouth Junction	618019	297911	Section A Sheet 4
Overhead Line Crossing	618021	297881	Section A Sheet 4
Overhead Line Crossing	620287	299434	Section A Sheet 2
Haul Road	620429	299314	Section A Sheet 2
Haul Road	621533	302602	Section A Sheet 1
Haul Road	621760	302557	Section A Sheet 1
Construction Laydown	621856	302669	Section A Sheet 1
Haul Road	621872	302697	Section A Sheet 1

- 1.6.2 Following identification of Cadent 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, including signs of gas leaks such as unusual odours, 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 Cadent detailing delivery works required for each type of crossing interaction within the vicinity of Cadent assets as identified and allowing Cadent 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 G)** 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 undertakers' 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"*.

Statutory Undertakers' Land

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

1.7.6 The Applicant understands that the interests and rights in land, as applicable, in the plots set out in Table 1.2 have been acquired by Cadent for the purposes of its undertaking. The Applicant needs to acquire land and interests and rights in land, (as applicable) in the plots set out in Table 1.2 in order to deliver the project. Therefore, ss.127(5) and (6) of the 2008 Act are engaged.

1.7.7 Below is a summary of the purposes for which land and interests in land in which Cadent has interests and rights in 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 F)** and the broad description included in the Appendix. Note that, as is explained in the **4.3 Book of Reference (Revision F)**, 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 land, interest or right sought by the Applicant

Cadent's Land (plot number)	Interest or right sought by the Applicant
N/A	Class 1 (in relation to land owned by Cadent)
A-1/56, A-1/58, A-1/59, B-21/2, B-21/6, B-21/9, B-21/12, C-6/24, C-6/38, D-3/1, H-6/22, H-6/28, H-6/34, H-6/43, H-6/61a, H-6/87, H-6/93, H-6/95, H-7/25, H-7/44, B-20/218, B-21/33, B-21/69, B-21/80, B-21/83, C-6/21, C-6/34, C-6/40, D-3/1, D-3/12, H-1/21, H-5/9, H-5/9a, H-5/19, H-5/19a, H-5/19b, H-5/23, H-5/30, H-5/32, H-6/22, H-6/26, H-6/27, H-6/34, H-6/37, H-6/38, H-6/40, H-6/43, H-6/44, H-6/48, H-6/54, H-6/60a, H-6/61a, H-6/63a, H-6/71a, H-6/87, H-7/21	Class 1 (in relation to land in which Cadent has a right or interest only)
A-3/1, A-4/37, A-12/29, B-8/79, B-8/80, B-9/2, B-9/11, B-9/14, B-9/30, B-9/38, B-9/47, B-9/48, B-9/62, B-9/76, B-9/77, B-9/94, B-9/110, B-13/11, B-13/12, B-13/14, B-17/23, B-17/31, B-17/43, B-17/51, B-17/54, B-17/64, B-17/71, B-17/74, B-17/75, B-17/107, B-17/114, B-17/116, B-17/117, B-17/119, B-18/43, B-18/53, B-18/55, B-18/66, B-18/67, B-18/69, B-18/70, B-18/74, B-19/5, B-19/7, B-19/12, B-19/42, B-19/46, B-19/54, B-19/61, B-19/69, B-19/70, B-19/71, B-19/73, B-20/133, B-20/137, B-20/226, B-20/231, B-20/240, B-20/254, B-20/261, B-20/262, B-20/263, B-20/264, B-20/268, B-21/90, B-21/94, B-21/98, B-21/102, B-21/105, B-21/107, B-21/109, B-21/110, B-21/111,	Class 2 (Compulsory Acquisition of Rights– Overhead Line)

Cadent's Land (plot number)	Interest or right sought by the Applicant
B-21/113, B-21/114, B-21/119, B-21/123, C-1/1, C-1/4, C-2/3, C-2/4, C-2/8, C-2/11, C-2/18, C-2/22, C-2/31, C-2/37, C-2/38, C-2/39, C-6/4, C-6/10, C-6/12, C-6/20, C-6/22, C-13/42, C-17/28, C-17/33, C-17/39, C-17/40, C-17/81, C-17/84, C-17/87, C-18/79, C-18/81, C-18/86, C-18/92, C-18/101, D-2/45, D-2/46, D-2/51, D-5/2, D-6/25, D-6/33, D-6/39, D-6/40, D-6/41, D-6/42, D-6/43, D-6/46, D-6/55, D-6/56, D-6/60, D-7/9, D-7/19, D-7/23, D-7/35, D-7/36, D-7/39, D-7/43, D-7/93, D-7/94, D-7/95, D-7/101, D-7/106, D-7/109, D-8/1, D-8/4, D-8/6, D-8/11, D-8/18, D-9/1, D-9/7, D-9/9, D-9/13, D-9/15, D-9/32, E-2/18, E-2/120, E-3/28, E-3/30, E-5/30, E-5/36, F-5/9, F-5/24, F-6/10, F-6/14, F-7/76, F-8/15, F-8/22, F-8/23, F-8/24, F-8/25, F-8/27, F-8/28, F-8/29, F-8/37, F-8/51, F-8/65, F-8/104, F-9/1, F-9/13, F-9/14, F-9/17, F-9/24, F-9/26, F-9/28, F-9/48, F-9/49, F-9/81, F-9/86, F-9/87, F-9/89, F-9/93, F-9/95, F-9/112, F-9/115, F-10/1, F-10/6, F-10/7, F-10/13, F-10/14, F-10/20, F-10/21, F-10/24, F-10/33, F-10/58, F-10/63, F-10/64, F-10/69, G-1/19, G-1/22, G-1/25, G-1/30, G-2/22, G-2/30, G-2/33, G-2/65, G-2/85, G-2/87, G-2/91, G-3/6, G-3/11, G-3/26, G-3/45, G-3/47, G-3/50, G-3/53, G-4/1, G-4/26, G-4/49, G-4/50, G-4/51, G-4/61, G-4/62, G-4/77, G-4/80, G-4/86, G-5/1, G-5/68, G-5/69, G-6/1, G-6/8, G-6/30, G-6/37, G-6/38, G-6/46, G-6/47, G-6/131, G-6/132, G-6/133, G-6/169, G-6/180, G-6/187, G-6/188, G-6/191, H-1/31, H-1/35, H-1/37, H-1/40, H-1/42, H-1/43, H-1/44, H-1/51, H-1/54, H-1/63, H-1/64, H-1/67, H-1/68, H-1/84, H-1/85, H-1b/6, H-1b/16, H-2/2, H-3/3, H-3/9, H-3/12, H-3/18, H-3/20, H-3/21, H-3/22, H-3/25, H-3/26, H-3/32, H-3/35, H-3/37, H-3/38, H-3/39, H-3/40, H-3/44, H-3/45, H-3/47, H-3/52, H-3/53, H-4/1, H-4/7, H-4/9, H-4/14, H-4/15, H-4/22, H-4/31, H-4/37, H-4/49, H-4/55, H-4/59, H-4/78, H-4/85, H-4/86, H-4/87, H-4/88, H-4/123, H-4/129, H-4/131, H-5/3, H-6/75, H-6/76, H-7/72	
B-19/1, B-19/63, B-20/97, C-11/71, C-11/83, C-11/89, C-11/90, C-11/92, C-12/1, C-13/48, C-13/52, E-2/116, E-2/123, E-2/124, G-2/8, G-4/57, G-6/153, G-6/173, H-3/13, A-12/54, B-2/60, B-8/77, B-8/83, B-9/6, B-9/12, B-9/20, B-9/25, B-9/49, B-9/51, B-9/54, B-14/67, B-17/56, B-18/27, B-20/158, B-20/241, B-20/251, B-20/270, B-21/93, B-21/95, B-21/96, B-21/108, B-21/112, C-2/1, C-2/41, C-7/3, C-7/9, C-7/18, C-7/35, C-9/1, C-9/6, C-9/13, C-	Class 3 – (Compulsory Acquisition of rights – underground cable)

Cadent's Land (plot number)	Interest or right sought by the Applicant
9/65, C-9/73, C-9/99, C-11/28, C-11/52, C-11/53, C-11/60, C-11/67, C-11/71, C-11/83, C-11/85, C-12/1, C-12/6, C-12/16, C-12/20, C-12/25, C-12/26, C-17/68C-18/96, D-3/6, D-3/10, D-3/20, D-3/22, D-3/56, D-3/60, D-3/67, D-3/72, D-6/36, D-6/37, D-6/54, D-6/58, D-7/6, D-7/18, D-7/22, D-8/23, D-9/11, D-9/16, F-8/18, F-8/30, F-8/33, F-9/85, G-3/44, G-3/44, G-4/60, G-4/69, G-4/89, G-4/107, H-1/15, H-1/26, H-1/94, H-2/30, H-2/36, H-2/37, H-3/10, H-3/13, H-3/16, H-3/43, H-3/54, H-3/55, H-3/58, H-4/2, H-4/44, H-4/54, H-5/7	
A-4/34, A-4/54, A-12/28, A-12/31, A-12/33, B-2/53, B-9/3, B-9/4, B-9/16, B-9/21, B-9/22, B-9/50, B-9/52, B-9/55, B-9/64, B-9/66, B-9/75, B-9/79, B-9/111, B-17/33, B-17/42, B-17/44, B-17/115, B-17/118, B-17/120, B-18/49, B-18/64, B-19/55, B-20/84, B-20/90, B-20/92, B-20/103, B-20/109, B-20/125, B-20/155, B-20/269, B-21/106, B-21/117, B-21/118, C-2/32, C-7/17, C-7/25, C-7/57, C-7/60, C-9/3, C-9/4, C-9/9, C-9/12, C-9/51, C-11/47, C-11/50, C-11/58, C-11/59, C-11/62, C-11/62a, C-11/64, C-11/65, C-11/68, C-11/76, C-11/80, C-11/81, C-11/86, C-12/3, C-12/4, C-12/12, C-12/13, C-12/14, C-13/37, C-13/40, C-13/41, C-17/24, C-17/30, C-17/32, C-17/42, C-17/47, C-17/70, C-18/94, C-18/96a, D-3/17, D-3/18, D-3/19, D-3/21, D-3/25, D-3/58, D-3/63, D-3/65, D-3/66, D-3/69, D-5/25, D-5/26, D-5/31, D-6/62, D-7/7, D-7/20, D-8/22, D-9/12, D-9/29, F-8/17, F-8/26, F-8/31, F-8/36, F-8/47, F-9/10, F-9/12, F-9/15, F-9/29, F-9/31, F-9/32, F-9/37, F-9/39, F-9/40, F-9/42, F-9/92, F-9/104, F-10/4, F-10/5, F-10/8, F-10/49, F-10/54, F-10/62, F-10/65, F-10/68, G-1/23, G-1/24, G-2/20, G-2/35, G-2/46, G-2/120, G-2/145, G-3/1, G-3/2, G-3/3, G-3/7, G-3/8, G-3/9, G-3/12, G-3/23, G-3/31, G-3/32, G-3/38, G-3/39, G-3/42, G-3/46, G-3/49, G-3/57, G-3/59, G-3/61, G-4/27, G-4/31, G-4/35, G-4/40, G-4/52, G-4/116, G-4/124, G-4/125, G-4/136, G-4/144, H-1/79, H-2/29, H-2/31, H-2/32, H-2/33, H-3/5, H-3/14, H-3/15, H-3/17, H-3/19, H-3/30, H-3/31, H-3/42, H-3/46, H-3/49, H-3/50, H-4/3, H-4/5, H-4/10, H-4/21, H-4/23, H-4/24, H-4/25, H-4/29, H-4/30, H-4/35, H-4/39, H-4/46, H-4/47, H-4/48, H-4/60, H-4/62, H-4/89, H-5/21	Class 4 – (Compulsory Acquisition of rights – overhead line and underground cabling system)
H-1a/18, H-1b/7, H-1b/17, H-1b/19	Class 4a - (Compulsory Acquisition of Rights - Works for the protection of existing

Cadent's Land (plot number)	Interest or right sought by the Applicant
-12/101, B-17/73, B-17/79, B-18/25, B-18/44, B-18/47, B-19/3, B-19/59, B-20/77, B-20/107, C-7/75, C-9/67, C-9/91, D-8/15, E-2/115, E-5/24, E-5/26, E-5/55, G-2/66, G-2/67, G-2/69, G-2/70, G-2/101, G-2/111, G-3/36, G-4/2, G-4/127, G-6/31, G-6/51, G-6/66, H-2/24, H-2/25, H-2/26, H-2/27, H-3/51, H-4/6, H-4/12, H-4/64, A-3/2, A-12/38, B-9/7, B-9/56, B-9/83, B-9/99, B-17/35, B-18/28, B-18/29, B-19/11, B-20/223, B-20/224, B-20/248, B-21/100, B-21/121, C-1/2, C-2/9, C-2/12, C-5/33, C-6/2, C-6/3, C-6/6, C-6/8, C-7/21, C-7/49, C-7/69, C-9/8, C-9/69, C-9/90, C-9/92, C-9/94, C-9/96, C-11/27, C-11/93, C-11/96, C-12/8, C-12/10, C-12/11, C-12/15, C-12/27, C-17/23, C-17/93, C-18/95, D-2/60, D-3/15, D-3/48, D-3/68, D-3/70, D-5/10, D-6/45, D-7/4, D-7/8, D-7/12, D-8/2, D-8/9, D-8/13, D-8/16, D-8/20, D-9/2, E-2/17, F-5/30, F-6/20, F-8/3, F-8/5, F-8/7, F-8/9, F-8/11, F-8/12, F-8/54, F-8/66, F-8/74, F-9/2, F-9/36, F-9/51, F-9/56, F-9/67, F-9/84, F-9/116, F-9/117, F-10/2, F-10/9, F-10/10, F-10/15, F-10/17, F-10/18, F-10/19, F-10/23, F-10/25, F-10/35, F-10/56, G-1/26, G-1/33, G-1/38, G-3/14, G-3/21, G-3/27, G-3/41, G-3/66, G-4/108, G-5/76, G-5/79, G-5/89, G-6/5, G-6/12, G-6/17, G-6/33, G-6/178, H-1/17, H-1/32, H-1/46, H-1/69, H-1b/4, H-1b/18, H-1b/20, H-1b/21, H-2/3, H-2/8, H-2/9, H-2/40, H-3/7, H-3/24, H-3/27, H-3/61, H-3/62, H-4/4, H-4/13, H-4/50, H-4/51, H-4/135, H-5/1	UKOP apparatus affected by the authorised development) Class 5 – (Compulsory Acquisition of Rights - Access)
B-20/219b, B-20/255, B-20/271	Class 6 - (Compulsory Acquisition of Rights – Drainage)

- 1.7.8 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 G)** which relate solely to temporary use.
- 1.7.9 The Applicant considers that there would be no serious detriment to Cadent'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 1.7.10 to 1.9.18 below.
- 1.7.10 The Applicant has engaged with Cadent regarding the DCO application and the parties have reached agreed protective provisions which are included in the Order at Part 8 of Schedule 16 and concluded a side agreement which is in the process of being executed between the parties and withdrawal by Cadent of their relevant representation is expected imminently. Notwithstanding this, it has until such time as

the objection is withdrawn been necessary to make this submission preventatively just in case the representation is not withdrawn and no further submissions are accepted at subsequent deadlines. Once Cadent's objection is withdrawn the section 127 submission can correspondingly be considered withdrawn.

- 1.7.11 The Protective Provisions at paragraph 6 Part 8 of Schedule 16 include a restriction on the Applicant's exercise of compulsory acquisition powers to prevent the Applicant from appropriating or acquiring any land interest or appropriating, acquiring, extinguishing, interfering with or overriding any easement, other interest or right and/or apparatus of Cadent otherwise than by agreement. This prevents the acquisition of any of Cadent's apparatus or rights in apparatus other than by agreement. Accordingly, Cadent will not be affected to the serious detriment of its undertaking
- 1.7.12 There are no agreed diversions of Cadent's apparatus as yet although an assessment of all interactions will be undertaken and there is a possibility that diversions may be required in future. These are being explored by the parties to identify and confirm the required diversions. Otherwise, the rights sought by the Applicant would co-exist within the plots affected alongside those of Cadent such that minimal interference would be caused to Cadent's undertaking and any diversions will be carried out in collaboration between the parties.
- 1.7.13 To the extent that any diversions of Cadent's apparatus is required, there are comprehensive protections and processes secured by the Protective Provisions (paragraphs 7 and 8) to ensure that the alternative apparatus and accompanying rights are in place before the removal of any apparatus, to avoid any serious detriment to their undertaking.
- 1.7.14 There are then additional protections in respect of the carrying out of works in proximity to Cadent's apparatus and costs and indemnity provisions to prevent the financial burden of any damage etc falling to Cadent. During construction of the project, the Applicant must seek approval of Cadent for any works in close proximity of their apparatus or which crosses their apparatus in accordance with paragraph 9 of the Protective Provisions for Cadent's benefit. This gives Cadent control to ensure that all works that may affect their retained apparatus are carried out in a safe manner for the protection of their undertaking.
- 1.7.15 Post construction of the project (noting that the Applicant will seek to agree with Cadent in advance the timing of those operations required to be undertaken in proximity to Cadent'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 Cadent in order to cause as little disruption as practicable during those maintenance or emergency works.
- 1.7.16 Given the inclusion of the agreed form of bespoke protective provisions for Cadent's benefit it is therefore the Applicant's view that any interference caused (if at all) will not be a serious detriment to Cadent carrying on its undertaking. All relevant rights to be acquired will co-exist with those of Cadent and, for the most part, cause minimal interference with Cadent's undertaking. The Applicant therefore does not consider it necessary to replace the land over which rights are required for the project
- 1.7.17 Compulsory acquisition powers are still sought in the **3.1 Draft Development Consent Order [Revision G]** over the land in which Cadent have rights and interests, given the need for the project, the Applicant must have certainty that it is

able to deliver the entirety of the project. Therefore, compulsory acquisition powers are required as a fallback to guarantee the project's deliverability.

- 1.7.18 However, any exercise of compulsory acquisition powers relevant to Cadent will be undertaken pursuant to the protective provisions included in the **3.1 Draft Development Consent Order [Revision G]** for Cadent's benefit which secures the protection of Cadent's operational assets as set out in paragraph 1.7.10 to 1.7.17 above.

Conclusion

- 1.7.19 Given the need for the project (see, for example, the need case as set out in paragraph 1.5), 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 G)**.
- 1.7.20 There would be no serious detriment to the carrying on of Cadent's statutory undertaking, with the protective provisions included at Part 8 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision G)** securing the protection of Cadent's operational assets for the reasons explained above.
- 1.7.21 Therefore, 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 of Cadent may be included for compulsory acquisition in the **3.1 Draft Development Consent Order (Revision G)**.

1.8 Section 138 Application

- 1.8.1 As noted above, the **3.1 Draft Development Consent Order (Revision G)** 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 **3.1 Draft Development Consent Order (Revision G)** relates.
- 1.8.2 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.

- 1.8.3 The Applicant understands that there is a relevant right and/or relevant apparatus vested in Cadent in, on or under the plots listed in Table 1.2 above.
- 1.8.4 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 G)**, the Applicant contends that, specifically in relation to s.138, the Secretary of State can be satisfied that whilst the rights of Cadent may potentially be subject to extinguishment or removal, the powers to do so are necessary for the project to proceed and, nevertheless, Cadent's rights and apparatus are adequately protected by the protective provisions included at Part 8 of Schedule 16 for the reasons set out above to the **3.1 Draft Development Consent Order (Revision G)**.

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

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.

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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