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Eastern Power Networks plc (UKPN) - Clean Version

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1. Application Under S127 and S138 of the Planning Act 2008 (Eastern Power Networks) – 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.

1.2 Section 127 of the Planning Act 2008

- 1.2.1 The **3.1 Draft Development Consent Order (Revision H)** 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 H)** 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 H)**.
- 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 - A representation has been made, and not withdrawn, about an application for development consent; and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 H)** 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 H)**.

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 H)** 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 H)** relates.

1.4 This Application

1.4.1 The relevant statutory undertaker for the purposes of this application is Eastern Power Networks plc (EPN). The Applicant understands that although EPN holds the electricity distribution licence, has made a representation and is therefore the relevant entity for the purposes of this application, EPN has delegated operational control and the day-to-day running of its business to UK Power Networks (Operations) Limited (UKPN). The Applicant does not consider UKPN to be a 'statutory undertaker', nor has UKPN made a representation, such that s.127 would not apply to it. However, given the relationship between EPN and UKPN, the Applicant has prepared this application on a precautionary basis, treating EPN and UKPN as if they are a single 'statutory undertaker'. The conclusions drawn in respect of EPN should be read as also applying to UKPN, references to EPN should be read as including UKPN, and Table 1.2 includes plots in relation to which EPN and/or UKPN hold land, and interests and rights in land, as applicable.

1.4.2 The Applicant proposes to acquire land owned by EPN, as well as land, and interests and rights in land, in respect of which EPN also has interests and rights, with such land, or interests and rights in land, having been acquired by EPN (EPN's Land) for the purposes of its undertaking.

1.4.3 The Applicant notes that EPN is included as an undertaker for the purposes of the **3.1 Draft Development Consent Order (Revision H)**. This is because the project includes the diversion of EPN's apparatus in various locations, with planning consent and land rights for these diversions being sought through the **3.1 Draft Development Consent Order (Revision H)**.

1.4.4 Notwithstanding EPN's role as an undertaker with the direct benefit of part of the **3.1 Draft Development Consent Order (Revision H)**, EPN has made a representation to the Planning Inspectorate in relation to the application for development consent ([RR-0974]). The Applicant is in ongoing discussions with EPN regarding the application, but its representation has not currently been withdrawn.

1.4.5 If that representation is 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 EPN's statutory undertaking, then the **3.1 Draft Development Consent Order (Revision H)** may only include provision authorising the compulsory acquisition of a statutory undertakers' land, or 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 H)** 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.

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

1.4.7 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 G);**
- **2.3 Works Plans – Sections A-H [REP7-014] [REP6-014] [REP7-016] [REP7-018] [APP-021] [REP6-016] [REP5-021] [REP6-018];**
- **3.1 Draft Development Consent Order (Revision H);**
- **3.2 Explanatory Memorandum (Revision H);**
- **4.1 Statement of Reasons (Revision E);**
- **4.3 Book of Reference (Revision G);**
- **5.6 Planning Statement [REP7-090]; and**
- **6.1 Environmental Statement Chapter 1 – Introduction [REP7-152].**

1.4.8 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 H)**.

1.5 Need Case

1.5.1 The need for the project has been established in the **5.6 Planning Statement [REP7-090]** 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 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 [REP7-152]**. 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 EPN's Land in connection with the project include the following:
- Installation of temporary bellmouth junctions
 - Installation of bellmouth junctions are as detailed in **2.6.3 Design and Layout Plans – Traffic & Transport [APP-043]**.
 - Access
 - 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.
 - Installation of permanent overhead line conductor 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.
 - Interaction with temporary 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:
 - 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.
- 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 **3.1 Draft Development Consent Order (Revision H)** and will be utilised as such.
 - Construction laydown area
 - Construction laydown areas store stone and other materials to facilitate construction, mainly for haul roads. Material storage would typically be needed for the first 12 months of construction, and material would likely be stored up to around 4 m in height at any one time. These areas would generally be stripped of topsoil, surfaced with stone chippings over geogrid, and reinstated after use.

- Interaction with temporary 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.
- Installation of temporary haul road crossings
 - 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.
- Installation of permanent underground cable crossings
 - Standard opencut installation typically involves the following processes:
 - Appropriately fencing off the working area to secure the site from trespassing and livestock;
 - Vegetation would be removed where necessary and topsoil would be stripped from the working area and stored for reuse;
 - A haul road would be installed along the alignment to provide access for construction vehicles to the working areas;
 - 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;
 - 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;

- HVAC cables would be jointed (requiring work in a controlled environment); and
 - 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 wide 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 [REP6-020]**.
- Diversionary Works undertaken by EPN to their assets – 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 would be removed during construction and reinstated where practicable following the works.
- Diversionary Works undertaken by EPN to their assets – 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 and 1.2 m in 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.

Table 1.1 Proposed works and locations

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Pylon Working Area	621072	300821	Section A Sheet 1 [REP7-014]
Overhead Line Crossing	621342	301204	Section A Sheet 1 [REP7-014]
Overhead Line Crossing	611648	285424	Section A Sheet 10 [REP7-014]
Overhead Line Crossing	611123	282105	Section A Sheet 11 [REP7-014]
Overhead Line Crossing	611516	282537	Section A Sheet 11 [REP7-014]
Overhead Line Crossing	609226	281201	Section A Sheet 13 [REP7-014]
Overhead Line Crossing	609227	281205	Section A Sheet 13 [REP7-014]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing	609724	279676	Section A Sheet 13 [REP7-014]
Overhead Line Crossing	609776	279595	Section A Sheet 13 [REP7-014]
Stringing Position	609995	279195	Section A Sheet 13 [REP7-014]
Overhead Line Crossing & Stringing Position	609996	279187	Section A Sheet 13 [REP7-014]
Overhead Line Crossing	620444	299571	Section A Sheet 2 [REP7-014]
Pylon Working Area	620467	299592	Section A Sheet 2 [REP7-014]
Overhead Line Crossing	618370	298127	Section A Sheet 3 [REP7-014]
Pylon Working Area	618737	298386	Section A Sheet 3 [REP7-014]
Overhead Line Crossing	618776	298419	Section A Sheet 3 [REP7-014]
Overhead Line Crossing	617143	297256	Section A Sheet 4 [REP7-014]
Overhead Line Crossing	617377	297423	Section A Sheet 4 [REP7-014]
Overhead Line Crossing	617580	297566	Section A Sheet 4 [REP7-014]
Overhead Line Crossing	617591	297574	Section A Sheet 4 [REP7-014]
Pylon Working Area	616259	296220	Section A Sheet 5 [REP7-014]
Overhead Line Crossing	616263	296225	Section A Sheet 5 [REP7-014]
Pylon Working Area	616263	296224	Section A Sheet 5 [REP7-014]
Overhead Line Crossing	616529	296821	Section A Sheet 5 [REP7-014]
Stringing Position	616536	296829	Section A Sheet 5 [REP7-014]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing	614333	292933	Section A Sheet 6 [REP7-014]
Overhead Line Crossing	615379	293712	Section A Sheet 6 [REP7-014]
Overhead Line Crossing	613840	292419	Section A Sheet 7 [REP7-014]
Overhead Line Crossing	612443	289878	Section A Sheet 8 [REP7-014]
Overhead Line Crossing	612857	291028	Section A Sheet 8 [REP7-014]
Overhead Line Crossing	611648	287056	Section A Sheet 9 [REP7-014]
Overhead Line Crossing	611944	288105	Section A Sheet 9 [REP7-014]
Overhead Line Crossing & Haul Road	610077	278192	Section B Sheet 1 [REP6-014]
Overhead Line Crossing	609059	261691	Section B Sheet 10 [REP6-014]
Overhead Line Crossing, Haul Road and Pylon Working Area	608602	257915	Section B Sheet 11 [REP6-014]
Pylon Working Area	608614	257947	Section B Sheet 11 [REP6-014]
Overhead Line Crossing, Haul Road and Pylon Working Area	608763	258564	Section B Sheet 11 [REP6-014]
Pylon Working Area	608790	258497	Section B Sheet 11 [REP6-014]
Overhead Line Crossing & Bellmouth Junction	607253	255880	Section B Sheet 12 [REP6-014]
Stringing Position	607277	255947	Section B Sheet 12 [REP6-014]
Overhead Line Crossing	607692	256382	Section B Sheet 12 [REP6-014]
Overhead Line Crossing	607881	256571	Section B Sheet 12 [REP6-014]
Overhead Line Crossing & Haul Road	607203	255736	Section B Sheet 13 [REP6-014]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing, Haul Road and Pylon Working Area	606581	254042	Section B Sheet 14 [REP6-014]
Overhead Line Crossing & Haul Road	606673	254218	Section B Sheet 14 [REP6-014]
Stringing Position	606694	254279	Section B Sheet 14 [REP6-014]
Overhead Line Crossing & Haul Road	606727	254371	Section B Sheet 14 [REP6-014]
Overhead Line Crossing & Haul Road	605800	252537	Section B Sheet 15 [REP6-014]
Overhead Line Crossing & Haul Road	605537	251557	Section B Sheet 16 [REP6-014]
Overhead Line Crossing & Haul Road	605629	250237	Section B Sheet 16 [REP6-014]
Overhead Line Crossing & Haul Road	605773	249291	Section B Sheet 17 [REP6-014]
Stringing Position	605987	248980	Section B Sheet 17 [REP6-014]
Overhead Line Crossing, Stringing Position & Haul Road	605994	248970	Section B Sheet 17 [REP6-014]
Overhead Line Crossing & Haul Road	606186	248780	Section B Sheet 17 [REP6-014]
Overhead Line Crossing & Haul Road	606682	248395	Section B Sheet 17 [REP6-014]
Overhead Line Crossing, Haul Road and Pylon Working Area	607547	247971	Section B Sheet 18 [REP6-014]
Overhead Line Crossing, Haul Road and Pylon Working Area	609184	246647	Section B Sheet 19 [REP6-014]
Overhead Line Crossing, Haul Road and Pylon Working Area	609267	246364	Section B Sheet 19 [REP6-014]
Pylon Working Area	609294	246273	Section B Sheet 19 [REP6-014]
Overhead Line Crossing	610213	276416	Section B Sheet 2 [REP6-014]
Overhead Line Crossing & Haul Road	609616	245636	Section B Sheet 20 [REP6-014]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing & Haul Road	609617	245636	Section B Sheet 20 [REP6-014]
Overhead Line Crossing & Haul Road	609617	245634	Section B Sheet 20 [REP6-014]
Overhead Line Crossing & Haul Road	609618	245635	Section B Sheet 20 [REP6-014]
Underground Cable Crossing	609686	245717	Section B Sheet 20 [REP6-014]
Overhead Line Crossing	609702	245674	Section B Sheet 20 [REP6-014]
Stringing Position	609769	245696	Section B Sheet 20 [REP6-014]
Stringing Position	609769	245696	Section B Sheet 20 [REP6-014]
Overhead Line Crossing	609827	245742	Section B Sheet 20 [REP6-014]
Overhead Line Crossing	609877	245856	Section B Sheet 20 [REP6-014]
Overhead Line Crossing & Haul Road	609958	245601	Section B Sheet 20 [REP6-014]
Underground Cable Crossing	610026	246091	Section B Sheet 20 [REP6-014]
Bellmouth Junction	610035	246091	Section B Sheet 20 [REP6-014]
Bellmouth Junction	610038	246092	Section B Sheet 20 [REP6-014]
Underground Cable Crossing	610045	246074	Section B Sheet 20 [REP6-014]
Underground Cable Crossing	610046	246073	Section B Sheet 20 [REP6-014]
Haul Road	610057	246096	Section B Sheet 20 [REP6-014]
Haul Road	610057	246096	Section B Sheet 20 [REP6-014]
Haul Road	610057	246095	Section B Sheet 20 [REP6-014]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Haul Road	610058	246095	Section B Sheet 20 [REP6-014]
Underground Cable Crossing	610063	246103	Section B Sheet 20 [REP6-014]
Haul Road	610073	246111	Section B Sheet 20 [REP6-014]
Haul Road	610073	246110	Section B Sheet 20 [REP6-014]
Underground Cable Crossing	610075	246110	Section B Sheet 20 [REP6-014]
Overhead Line Crossing & Haul Road	610092	245627	Section B Sheet 20 [REP6-014]
Overhead Line Crossing, Haul Road and Pylon Working Area	610254	245658	Section B Sheet 20 [REP6-014]
Bellmouth Junction	610285	246168	Section B Sheet 20 [REP6-014]
Stringing Position	610610	245632	Section B Sheet 20 [REP6-014]
Overhead Line Crossing & Haul Road	610664	245375	Section B Sheet 20 [REP6-014]
Overhead Line Crossing	607946	274569	Section B Sheet 4 [REP6-014]
Overhead Line Crossing	608083	270619	Section B Sheet 6 [REP6-014]
Overhead Line Crossing & in Pylon Working Area	608444	265279	Section B Sheet 8 [REP6-014]
Stringing Position	608488	265412	Section B Sheet 8 [REP6-014]
Stringing Position	608559	265673	Section B Sheet 8 [REP6-014]
Overhead Line Crossing & Stringing Position and Haul Road	608560	265700	Section B Sheet 8 [REP6-014]
Pylon Working Area	608342	264920	Section B Sheet 9 [REP6-014]
Overhead Line Crossing	608800	262761	Section B Sheet 9 [REP6-014]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing & Bellmouth Junction	610891	244685	Section C Sheet 1 [REP7-016]
Overhead Line Crossing & Haul Road	610998	243678	Section C Sheet 1 [REP7-016]
Pylon Working Area	611004	243622	Section C Sheet 1 [REP7-016]
Overhead Line Crossing	611006	243377	Section C Sheet 1 [REP7-016]
Bellmouth Junction	602432	233032	Section C Sheet 10 [REP7-016]
Underground Cable Crossing	602432	233032	Section C Sheet 10 [REP7-016]
Bellmouth Junction	602638	233920	Section C Sheet 10 [REP7-016]
Underground Cable Crossing	602682	233802	Section C Sheet 10 [REP7-016]
Underground Cable Crossing	603145	232481	Section C Sheet 10 [REP7-016]
Underground Cable Crossing	603145	232480	Section C Sheet 10 [REP7-016]
Access Road	603277	232035	Section C Sheet 10 [REP7-016]
Underground Cable Crossing	602561	233686	Section C Sheet 10 [REP7-016]
Underground Cable Crossing	602683	233804	Section C Sheet 10 [REP7-016]
Access Road	602727	233713	Section C Sheet 10 [REP7-016]
Access Road	602727	233714	Section C Sheet 10 [REP7-016]
Access Road	602736	233707	Section C Sheet 10 [REP7-016]
Access Road	602736	233707	Section C Sheet 10 [REP7-016]
Outfall Working Area	603033	232325	Section C Sheet 10 [REP7-016]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Access Road	603108	231961	Section C Sheet 10 [REP7-016]
Access Road	603108	231962	Section C Sheet 10 [REP7-016]
Outfall Working Area	603226	232691	Section C Sheet 10 [REP7-016]
Access Road	603230	232136	Section C Sheet 10 [REP7-016]
Access Road	603245	232119	Section C Sheet 10 [REP7-016]
Bellmouth Junction	603483	233139	Section C Sheet 11 [REP7-016]
Haul Road	603701	231881	Section C Sheet 11 [REP7-016]
Underground Cable Crossing	603715	231901	Section C Sheet 11 [REP7-016]
Outfall Working Area	603774	231965	Section C Sheet 11 [REP7-016]
Outfall Working Area	603978	230915	Section C Sheet 12 [REP7-016]
Overhead Line Crossing	604118	229604	Section C Sheet 12 [REP7-016]
Underground Cable Crossing	604850	230941	Section C Sheet 12 [REP7-016]
Bellmouth Junction	604850	230942	Section C Sheet 12 [REP7-016]
Haul Road	605061	230740	Section C Sheet 12 [REP7-016]
Haul Road	605069	230466	Section C Sheet 12 [REP7-016]
Underground Cable Crossing	605069	230466	Section C Sheet 12 [REP7-016]
Underground Cable Crossing	605134	230721	Section C Sheet 12 [REP7-016]
Stringing Position	605183	230032	Section C Sheet 12 [REP7-016]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Haul Road	605189	230156	Section C Sheet 12 [REP7-016]
Overhead Line Crossing	605298	230006	Section C Sheet 13 [REP7-016]
Access Road	605299	230216	Section C Sheet 13 [REP7-016]
Underground Cable Crossing	605341	230177	Section C Sheet 13 [REP7-016]
Access Road	605361	230200	Section C Sheet 13 [REP7-016]
Bellmouth Junction	605361	230200	Section C Sheet 13 [REP7-016]
Overhead Line Crossing & Pylon Working Area	606005	229487	Section C Sheet 13 [REP7-016]
Haul Road	606147	229389	Section C Sheet 13 [REP7-016]
Access Road	606148	229389	Section C Sheet 13 [REP7-016]
Haul Road	606507	229040	Section C Sheet 13 [REP7-016]
Overhead Line Crossing & Haul Road	606538	229055	Section C Sheet 13 [REP7-016]
Stringing Position	606547	229051	Section C Sheet 13 [REP7-016]
Pylon Working Area & Haul Road	606547	229051	Section C Sheet 13 [REP7-016]
Haul Road	606575	229027	Section C Sheet 13 [REP7-016]
Haul Road	606579	228988	Section C Sheet 13 [REP7-016]
Overhead Line Crossing	606581	229049	Section C Sheet 13 [REP7-016]
Haul Road	606598	229128	Section C Sheet 13 [REP7-016]
Overhead Line Crossing	606598	229128	Section C Sheet 13 [REP7-016]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Haul Road	606614	229128	Section C Sheet 13 [REP7-016]
Overhead Line Crossing	606614	229129	Section C Sheet 13 [REP7-016]
Haul Road	606834	229012	Section C Sheet 14 [REP7-016]
Haul Road	606837	229014	Section C Sheet 14 [REP7-016]
Outfall Working Area	606926	229011	Section C Sheet 14 [REP7-016]
Outfall Working Area	606926	229012	Section C Sheet 14 [REP7-016]
Haul Road	607070	229076	Section C Sheet 14 [REP7-016]
Construction Laydown Area	607071	229017	Section C Sheet 14 [REP7-016]
Construction Laydown Area	607071	229016	Section C Sheet 14 [REP7-016]
Bellmouth Junction	607076	229077	Section C Sheet 14 [REP7-016]
Access Road	607649	228680	Section C Sheet 14 [REP7-016]
Underground Cable Crossing	607680	228672	Section C Sheet 14 [REP7-016]
Access Road	607680	228674	Section C Sheet 14 [REP7-016]
Overhead Line Crossing	607719	229123	Section C Sheet 14 [REP7-016]
Overhead Line Crossing	607720	229125	Section C Sheet 14 [REP7-016]
Outfall Working Area	608001	228392	Section C Sheet 14 [REP7-016]
Overhead Line Crossing & Haul Road	603495	229796	Section C Sheet 17 [REP7-016]
Overhead Line Crossing	602574	229995	Section C Sheet 18 [REP7-016]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing & Haul Road	603210	229793	Section C Sheet 18 [REP7-016]
Overhead Line Crossing & Haul Road	610406	242756	Section C Sheet 3 [REP7-016]
Stringing Position	608873	241263	Section C Sheet 4 [REP7-016]
Stringing Position	608878	241268	Section C Sheet 4 [REP7-016]
Overhead Line Crossing & Haul Road	608992	241406	Section C Sheet 4 [REP7-016]
Underground Cable Crossing	604567	236264	Section C Sheet 7 [REP7-016]
Access Road	605426	237836	Section C Sheet 7 [REP7-016]
Underground Cable Crossing	605430	237865	Section C Sheet 7 [REP7-016]
Underground Cable Crossing	605736	237972	Section C Sheet 7 [REP7-016]
Haul Road	604570	236263	Section C Sheet 7 [REP7-016]
Bellmouth Junction	604570	236276	Section C Sheet 7 [REP7-016]
Outfall Working Area	604719	236717	Section C Sheet 7 [REP7-016]
Bellmouth Junction	604935	237004	Section C Sheet 7 [REP7-016]
Haul Road	605247	237715	Section C Sheet 7 [REP7-016]
Underground Cable Crossing	605248	237716	Section C Sheet 7 [REP7-016]
Haul Road	605984	238033	Section C Sheet 7 [REP7-016]
Underground Cable Crossing	603311	234314	Section C Sheet 9 [REP7-016]
Bellmouth Junction	603311	234314	Section C Sheet 9 [REP7-016]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Underground Cable Crossing	603693	234282	Section C Sheet 9 [REP7-016]
Underground Cable Crossing	603694	234282	Section C Sheet 9 [REP7-016]
Overhead Line Crossing & Haul Road	600598	230192	Section D Sheet 1 [REP7-018]
Haul Road	597963	230927	Section D Sheet 2 [REP7-018]
Underground Cable Crossing	598064	230845	Section D Sheet 2 [REP7-018]
Haul Road	598065	230919	Section D Sheet 2 [REP7-018]
Overhead Line Crossing	599272	230538	Section D Sheet 2 [REP7-018]
Overhead Line Crossing, Haul Road and Stringing Position	599388	230548	Section D Sheet 2 [REP7-018]
Underground Cable Crossing	596960	230564	Section D Sheet 3 [REP7-018]
Haul Road	596971	230478	Section D Sheet 3 [REP7-018]
Haul Road	597225	230425	Section D Sheet 3 [REP7-018]
Haul Road	597372	230617	Section D Sheet 3 [REP7-018]
Haul Road	597484	230874	Section D Sheet 3 [REP7-018]
Underground Cable Crossing	597517	230844	Section D Sheet 3 [REP7-018]
Underground Cable Crossing	597853	230863	Section D Sheet 3 [REP7-018]
Bellmouth Junction	594936	229911	Section D Sheet 4 [REP7-018]
Overhead Line Crossing	595128	229961	Section D Sheet 4 [REP7-018]
Pylon Working Area	595130	229961	Section D Sheet 4 [REP7-018]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Underground Cable Crossing	595772	230593	Section D Sheet 4 [REP7-018]
Pylon Working Area	593262	227920	Section D Sheet 5 [REP7-018]
Overhead Line Crossing & Haul Road	593474	228175	Section D Sheet 5 [REP7-018]
Overhead Line Crossing & Haul Road	593618	228348	Section D Sheet 5 [REP7-018]
Stringing Position	593620	228350	Section D Sheet 5 [REP7-018]
Overhead Line Crossing & Haul Road	592348	226710	Section D Sheet 6 [REP7-018]
Pylon Working Area	592539	226925	Section D Sheet 6 [REP7-018]
Overhead Line Crossing	592570	227181	Section D Sheet 6 [REP7-018]
Bellmouth Junction	591769	225088	Section D Sheet 7 [REP7-018]
Overhead Line Crossing & Haul Road	591848	225190	Section D Sheet 7 [REP7-018]
Overhead Line Crossing & Haul Road	592069	225970	Section D Sheet 7 [REP7-018]
Bellmouth Junction	589274	224239	Section D Sheet 8 [REP7-018]
Overhead Line Crossing & Haul Road	589507	224318	Section D Sheet 8 [REP7-018]
Overhead Line Crossing & Haul Road	588323	223828	Section D Sheet 9 [REP7-018]
Overhead Line Crossing & Haul Road	588916	224117	Section D Sheet 9 [REP7-018]
Stringing Position	586729	221928	Section E Sheet 1 [APP-021]
Overhead Line Crossing & Haul Road	586751	221959	Section E Sheet 1 [APP-021]
Overhead Line Crossing & Haul Road	587018	222302	Section E Sheet 1 [APP-021]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing & Haul Road	585435	220589	Section E Sheet 2 [APP-021]
Overhead Line Crossing	583223	219377	Section E Sheet 3 [APP-021]
Stringing Position	583236	219395	Section E Sheet 3 [APP-021]
Overhead Line Crossing & Haul Road	583800	219621	Section E Sheet 3 [APP-021]
Overhead Line Crossing & Haul Road	580774	218091	Section E Sheet 4 [APP-021]
Pylon Working Area	581365	218272	Section E Sheet 4 [APP-021]
Overhead Line Crossing & Haul Road	581560	218357	Section E Sheet 4 [APP-021]
Overhead Line Crossing & Haul Road	582407	218675	Section E Sheet 4 [APP-021]
Stringing Position	579063	217573	Section E Sheet 5 [APP-021]
Overhead Line Crossing & Haul Road	579087	217584	Section E Sheet 5 [APP-021]
Overhead Line Crossing & Haul Road	579834	217770	Section E Sheet 5 [APP-021]
Stringing Position	580040	217856	Section E Sheet 5 [APP-021]
Overhead Line Crossing & Haul Road	580042	217819	Section E Sheet 5 [APP-021]
Haul Road	577540	217460	Section E Sheet 6 [APP-021]
Overhead Line Crossing	577568	217506	Section E Sheet 6 [APP-021]
Overhead Line Crossing & Haul Road	573820	216419	Section E Sheet 7 [APP-021]
Haul Road	574506	216679	Section E Sheet 7 [APP-021]
Overhead Line Crossing & Haul Road	574534	216753	Section E Sheet 7 [APP-021]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing & Haul Road	575262	217122	Section E Sheet 7 [APP-021]
Overhead Line Crossing & Haul Road	565954	200571	Section F Sheet 10 [REP6-016]
Overhead Line Crossing & Haul Road	566109	201817	Section F Sheet 10 [REP6-016]
Overhead Line Crossing & Haul Road	573007	215793	Section F Sheet 2 [REP6-016]
Overhead Line Crossing	571104	213970	Section F Sheet 3 [REP6-016]
Stringing Position	571108	213977	Section F Sheet 3 [REP6-016]
Overhead Line Crossing & Haul Road	569337	212036	Section F Sheet 4 [REP6-016]
Overhead Line Crossing & Haul Road	569842	212595	Section F Sheet 4 [REP6-016]
Pylon Working Area	570156	212820	Section F Sheet 4 [REP6-016]
Overhead Line Crossing & Haul Road	570180	212802	Section F Sheet 4 [REP6-016]
Bellmouth Junction	570214	212822	Section F Sheet 4 [REP6-016]
Overhead Line Crossing & Haul Road	568296	209995	Section F Sheet 5 [REP6-016]
Overhead Line Crossing & Haul Road	567583	209583	Section F Sheet 6 [REP6-016]
Overhead Line Crossing	565919	206964	Section F Sheet 8 [REP6-016]
Overhead Line Crossing, Bellmouth & Haul Road	566062	205372	Section F Sheet 8 [REP6-016]
Overhead Line Crossing & Haul Road	566305	203023	Section F Sheet 9 [REP6-016]
Overhead Line Crossing & Haul Road	566852	204068	Section F Sheet 9 [REP6-016]
Stringing Position	567026	204265	Section F Sheet 9 [REP6-016]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing & Haul Road	565557	196452	Section G Sheet 2 [REP5-021]
Overhead Line Crossing & Haul Road	566588	198548	Section G Sheet 2 [REP5-021]
Stringing Position	566590	198455	Section G Sheet 2 [REP5-021]
Pylon Working Area	564380	194785	Section G Sheet 3 [REP5-021]
Overhead Line Crossing & Haul Road	564380	194607	Section G Sheet 3 [REP5-021]
Stringing Position	564433	195066	Section G Sheet 3 [REP5-021]
Overhead Line Crossing & Haul Road	564446	194142	Section G Sheet 3 [REP5-021]
Overhead Line Crossing & Haul Road	565112	195591	Section G Sheet 3 [REP5-021]
Overhead Line Crossing & Haul Road	565198	195655	Section G Sheet 3 [REP5-021]
Overhead Line Crossing	565250	189198	Section G Sheet 6 [REP5-021]
Overhead Line Crossing & Haul Road	565256	188901	Section G Sheet 6 [REP5-021]
Overhead Line Crossing, tower construction zone & Haul Road	565363	187743	Section H Sheet 1 [REP6-018]
Overhead Line Crossing & Haul Road	565508	184049	Section H Sheet 2 [REP6-018]
Overhead Line Crossing & Haul Road	565919	182751	Section H Sheet 3 [REP6-018]
Pylon Working Area	566010	182723	Section H Sheet 3 [REP6-018]
Overhead Line Crossing & Haul Road	566655	182590	Section H Sheet 3 [REP6-018]
Overhead Line Crossing	566652	180530	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	566718	180259	Section H Sheet 4 [REP6-018]

Interface type	Crossing (X-coordinates)	Crossing (Y-coordinates)	Work plan section/ sheet combined
Overhead Line Crossing	566718	180257	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	566719	180255	Section H Sheet 4 [REP6-018]
Pylon Working Area & Haul Road	566727	180563	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	566729	180213	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	566730	180210	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	566730	180207	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	566731	180204	Section H Sheet 4 [REP6-018]
Access Road	566825	180358	Section H Sheet 4 [REP6-018]
Access Road	566834	180342	Section H Sheet 4 [REP6-018]
Bellmouth Junction	566913	180435	Section H Sheet 4 [REP6-018]
Overhead Line Crossing	567050	181879	Section H Sheet 4 [REP6-018]
Bellmouth Junction	565156	179777	Section H Sheet 6 [REP6-018]
Access Road	565240	180168	Section H Sheet 6 [REP6-018]
Access Road	565262	180090	Section H Sheet 6 [REP6-018]
Bellmouth Junction	565295	180128	Section H Sheet 6 [REP6-018]
Access Road	565384	180147	Section H Sheet 6 [REP6-018]
Access Road	565384	180146	Section H Sheet 6 [REP6-018]
Access Road	565385	180145	Section H Sheet 6 [REP6-018]

- 1.6.2 Following identification of EPN's above and below ground utilities, the Applicant will undertake a comprehensive risk assessment that evaluates the scope of work, proximity to the asset, ground conditions, safety clearances 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 The Applicant will ensure that all personnel involved in the work are competent and adequately trained in appropriate safety procedures. Workers will be briefed on how to recognize potential hazards or visible damage to infrastructure. In the event of a suspected or confirmed asset strike, the delivery partners will immediately stop all work, evacuate the area, and notify the relevant emergency services if required and EPN without delay.
- 1.6.4 Close coordination with EPN will be maintained throughout the duration of the project. The delivery partners will comply with any specific requirements, supervision arrangements, or permits imposed by EPN to ensure asset integrity is preserved. Regular communication will be upheld to address any changes in conditions or unforeseen risks. Risk Assessment Method Statements will be provided to EPN for review and approval prior to works within exclusion zones ensuring safe working conditions are utilised with EPN's input.

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 H)** 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”.*

Statutory Undertakers’ Land

- 1.7.5 The Applicant understands the land, or interests and rights in land, (as applicable) in the plots set out in Table 1.2 have been acquired by EPN for the purposes of its undertaking.
- 1.7.6 The Applicant needs to acquire land, or interests and rights in land, (as applicable) in the plots set out in Table 1.2 in order to deliver the project. Therefore, both ss.127(2) and (3) of the 2008 Act and ss.127(5) and (6) of the 2008 Act are engaged.
- 1.7.7 Below is a summary of the purposes for which EPN’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 G)** and the broad description included in the Appendix. Note that, as is explained in the **4.3 Book of Reference (Revision G)**, 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 EPN Land affected and land, interest or right sought by the Applicant

EPN's Land (plot number)	Land, interest or right sought by the Applicant
A-1/2, A-1/56, B-20/221, C-14/126, C-14/127	Class 1 (Compulsory Acquisition of Land) – in relation to freehold, leasehold or operational land of EPN
A-1/1, A-1/58, A-1/59, B-20/159, B-20/160, B-20/161, B-20/162, B-20/164, B-20/166, B-20/170, B-20/176, B-20/181, B-20/183, B-20/185, B-20/188, B-20/193, B-20/198, B-20/202, B-20/203, B-20/208, B-20/215, B-20/216, B-20/218, B-20/230, B-21/33, B-21/69, B-21/74, B-21/76, B-21/77, B-21/78, B-21/80, B-21/83, B-21/84, C-14/1, C-14/103, C-14/110, C-14/118a, C-14/121, C-14/122, C-14/123, C-14/125, C-15/1, C-15/2, C-15/56, C-15/57, C-16/1, C-16/17a, C-16/23a, C-16/33, C-16/36a, D-3/1, D-4/41, H-1/21, H-4/132, H-4/142, H-5/2, H-5/4, H-5/9, H-5/9a, H-5/13, H-5/14a, H-5/15, H-5/24, H-5/30, H-5/34, H-5/41, H-5/46, H-5/47, H-5/49, H-5/51, H-5/52, H-5/56, H-5/60, H-5/62	Class 1 (Compulsory Acquisition of Land) – in relation to land in which EPN has apparatus or easements
A-1/3, A-1/15, A-1/30, A-1/32, A-2/1, A-2/15, A-2/19, A-2/21, A-2/33, A-2/35, A-3/23, A-3/26, A-4/23, A-4/61, A-4/71, A-4/72, A-4/82, A-4/84, A-4/87, A-4/91, A-4/93, A-4/98, A-4/122, A-4/126, A-4/138, A-5/18, A-5/19, A-5/20, A-5/42, A-5/61, A-5/64, A-5/74, A-5/77, A-5/79, A-5/81, A-6/35, A-7/29, A-7/30, A-7/58, A-8/28, A-8/33, A-8/91, A-8/92, A-9/17, A-9/65, A-9/73, A-10/15, A-11/44, A-12/12, A-13/31, A-13/41, A-13/86, A-13/123, A-13/128, A-13/138, A-13/141, A-13/147, A-13/154, B-1/18, B-1/35, B-2/6, B-2/7, B-2/11, B-3/10, B-3/12, B-3/31, B-3/32, B-3/33, B-3/34, B-3/35, B-3/36, B-3/37, B-3/38, B-3/40, B-3/41, B-3/47, B-4/3, B-4/22, B-4/26, B-4/28, B-4/29, B-4/30, B-4/32, B-4/33,	Class 2 (Compulsory Acquisition of Rights – Overhead Lines)

EPN's Land (plot number)	Land, interest or right sought by the Applicant
B-4/38, B-4/39, B-4/78, B-4/79, B-5/2, B-5/20, B-5/25, B-5/26, B-5/33, B-5/34, B-5/35, B-5/46, B-6/34, B-6/35, B-6/105, B-8/7, B-8/46, B-8/47, B-8/59, B-8/75, B-8/80, B-9/11, B-9/34, B-9/47, B-10/2, B-10/48, B-10/52, B-10/56, B-10/58, B-11/4, B-11/22, B-11/58, B-11/78, B-12/18, B-12/30, B-12/32, B-12/38, B-12/65, B-12/68, B-12/69, B-12/72, B-12/81, B-13/12, B-13/13, B-13/14, B-13/16, B-13/25, B-13/28, B-13/30, B-13/34, B-13/42, B-13/44, B-13/45, B-13/48, B-13/49, B-13/53, B-13/57, B-14/1, B-14/5, B-14/12, B-14/16, B-14/18, B-14/20, B-14/21, B-14/22, B-14/23, B-14/25, B-14/27, B-14/29, B-14/30, B-14/36, B-14/38, B-14/42, B-14/47, B-15/5, B-16/11, B-16/66, B-17/1, B-17/15, B-17/22, B-17/23, B-17/50, B-17/52, B-17/53, B-17/54, B-17/64, B-17/67, B-17/74, B-17/86, B-17/91, B-17/95, B-17/97, B-17/98, B-17/119, B-18/78, B-18/96, B-18/127, B-19/5, B-19/38, B-19/43, B-19/44, B-19/46, B-19/61, B-19/71, B-19/81, B-19/82, B-19/84, B-19/85, B-19/88, B-19/92, B-19/95, B-19/97, B-19/100, B-19/111, B-19/119, B-19/123, B-19/129, B-20/3, B-20/12, B-20/16, B-20/20, B-20/21, B-20/24, B-20/25, B-20/30, B-20/33, B-20/34, B-20/113, B-20/118, B-20/133, B-20/137, B-20/147, B-20/150, B-20/153, B-20/157, B-20/195, B-20/226, B-20/231, B-20/240, B-20/253, B-20/254, B-20/258, B-20/259, B-20/260, 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, 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-2/30, C-2/31, C-2/37, C-2/38, C-2/39, C-3/14, C-3/48, C-3/56, C-3/60, C-3/62, C-3/69, C-3/71, C-3/73, C-3/77, C-3/78, C-3/111, C-4/50, C-5/4, C-13/36, C-13/96, C-13/102, C-13/146, C-13/147, C-13/149, C-13/156, C-13/157, C-13/158, C-13/181, C-13/182, C-14/22, C-14/30, C-14/31, C-14/32, C-14/40, C-14/44, C-14/47, C-14/49, C-14/59, C-14/64, C-14/65, C-14/66, C-14/68, C-14/69, C-14/70, C-14/72, C-17/79, C-17/80, C-17/82, C-18/9, C-18/10, C-18/21, C-18/27, C-18/31, C-18/33, C-18/39, C-18/41, C-18/52, C-18/54, C-18/72, C-18/75, C-18/79, D-1/1, D-1/2, D-1/28, D-1/35, D-1/51, D-1/56, D-1/59, D-1/62, D-2/1, D-2/27, D-2/32, D-2/38, D-2/39, D-2/40, D-4/73, D-5/2, D-5/37, D-5/46, D-5/65, D-6/2, D-6/40, D-6/47, D-6/60, D-7/23, D-7/24, D-7/26, D-7/29, D-7/34, D-7/38, D-7/49, D-7/51, D-7/62, D-7/93, D-7/94, D-7/95, D-7/98, D-7/101, D-7/109, D-8/1, D-9/6, D-9/7, D-9/69, D-9/81, E-1/67, E-1/91, E-2/20, E-3/8, E-3/37, E-3/71, E-3/101, E-3/102, E-3/106, E-4/6, E-4/20, E-4/69, E-5/2, E-5/3, E-5/9, E-5/10, E-5/30, E-5/36, E-5/41, E-5/47, E-5/52, E-5/53, E-5/57, E-5/60, E-5/69, E-5/71,	

EPN's Land (plot number)	Land, interest or right sought by the Applicant
E-5/74, E-5/75, E-5/76, E-5/77, E-5/78, E-5/79, E-5/92, E-5/103, E-5/106, E-5/107, E-5/108, E-6/1, E-6/10, E-6/23, E-7/20, E-7/21, E-7/48, E-7/51, E-7/55, E-7/56, F-1/18, F-2/21, F-3/25, F-3/78, F-3/81, F-3/84, F-3/85, F-3/89, F-3/98, F-4/13, F-4/15, F-4/20, F-5/8, F-6/7, F-6/35, F-6/38, F-7/67, F-8/19, F-8/25, F-9/1, F-9/14, F-9/17, F-9/26, F-9/27, F-9/81, F-9/87, F-9/95, F-9/96, F-9/103, F-10/6, F-10/58, F-10/59, F-10/85, F-10/91, F-10/94, G-1/17, G-1/22, G-2/11, G-2/28, G-2/30, G-2/36, G-2/40, G-2/41, G-2/96, G-2/126, G-2/133, G-3/47, G-4/49, G-4/50, G-4/51, G-4/61, G-4/100, G-4/104, G-5/17, G-5/20, G-5/68, G-5/69, G-6/1, G-6/8, G-6/30, G-6/37, G-6/38, G-6/40, G-6/121, G-6/122, G-6/123, G-6/124, G-6/125, G-6/130, G-6/131, G-6/132, G-6/133, G-6/169, 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-2/12, H-3/9, H-3/26, H-3/32, H-3/35, H-3/53, H-4/14, H-4/31, H-4/87, H-4/88, H-4/96, H-4/119, H-4/122, H-4/125, H-4/129, H-5/112, H-5/120, H-5/122, H-7/72, H-7/166	
A-1/23, A-1/24, A-5/68, A-5/82, A-7/41, A-8/13, A-8/54, A-9/23, A-9/68, A-12/9, B-1/45, B-2/2, B-2/5a, B-2/23, B-2/24, B-2/25, B-2/27, B-2/30, B-2/42, B-2/55, B-2/60, B-2/94, B-2/132, B-3/28, B-3/119, B-3/122, B-5/60, B-8/50, B-8/66, B-8/67, B-9/54, B-12/51, B-12/57, B-12/75, B-13/23, B-13/24, B-13/36, B-13/52, B-13/56, B-14/10, B-14/13, B-14/62, B-14/67, B-14/68, B-15/2, B-15/3, B-16/41, B-16/42, B-16/62, B-16/133, B-17/3, B-17/49, B-17/65, B-17/87, B-17/100, B-17/102, B-17/112, B-18/3, B-18/5, B-18/27, B-18/126, B-19/96, B-20/29, B-20/66, B-20/69, B-20/73, B-20/76, B-20/87, B-20/88, B-20/115, B-20/143, B-20/154, B-20/233, B-20/241, B-20/242, B-20/243, 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-2/21, C-2/41, C-2/63, C-3/66, C-3/68, C-3/72, C-3/75, C-3/109, C-3/110, C-4/47, C-5/1, C-7/12, C-10/1, C-11/83, C-12/57, C-12/78, C-13/48, C-13/194, C-13/200, C-13/202, C-13/203, C-14/8, C-14/21, C-14/60, C-14/91, C-14/93, C-14/94, C-14/104, C-14/108, C-17/12, C-17/14, C-18/16, D-1/57, D-3/6, D-3/10, D-3/20, D-3/22, D-6/36, D-7/15, D-7/31, D-7/54, D-7/67, D-7/80, D-7/99, D-7/115, D-7/119, D-7/125, E-4/23, E-4/78, E-5/1, E-5/4, E-5/43, E-5/59, E-5/72, E-5/73, E-5/95, E-5/114, E-6/16, E-7/33, E-8/8, F-3/103, F-6/57, G-3/44, G-4/69, G-4/91, G-4/107, H-1/6, H-1/7, H-1/13, H-1/15, H-1/20, H-1/22, H-1/26, H-1/94, H-1/99, H-3/55, H-5/12	Class 3 (Compulsory Acquisition of Rights – Underground Cable System)

EPN's Land (plot number)	Land, interest or right sought by the Applicant
A-1/22, A-1/25, A-1/25a, A-1/26, A-1/27, A-1/29, A-1/35, A-2/28, A-2/29, A-2/40, A-2/46, A-3/18, A-3/33, A-4/21, A-4/24, A-4/60, A-4/65, A-4/68, A-4/69, A-4/73, A-4/80, A-4/101, A-4/112, A-4/114, A-4/116, A-4/118, A-4/127, A-4/130, A-4/131, A-4/132, A-5/4, A-5/47, A-5/54, A-5/65, A-5/72, A-5/80, A-5/83, A-6/29, A-6/30, A-6/37, A-7/20, A-7/21, A-7/42, A-7/56, A-7/61, A-7/62, A-8/16, A-8/17, A-8/20, A-8/30, A-8/31, A-8/42, A-8/48, A-8/49, A-8/76, A-8/81, A-8/96, A-8/99, A-9/16, A-9/18, A-9/21, A-9/69, A-9/71, A-9/72, A-9/75, A-10/14, A-10/18, A-11/43, A-11/50, A-12/1, A-12/3, A-12/8, A-12/20, A-13/29, A-13/44, A-13/45, A-13/55, A-13/129, A-13/134, A-13/136, A-13/140, A-13/155, B-1/19, B-1/22, B-1/42, B-1/44, B-2/3, B-2/12, B-2/13, B-2/15, B-2/18, B-2/39, B-2/53, B-5/48, B-5/53, B-5/57, B-5/74, B-6/32, B-6/33, B-6/46, B-6/56, B-6/60, B-6/103, B-6/104, B-6/107, B-6/109, B-8/48, B-8/49, B-8/58, B-9/3, B-9/4, B-9/9, B-9/10, B-9/16, B-9/17, B-9/18, B-9/21, B-9/22, B-9/33, B-9/37, B-9/40, B-9/50, B-9/52, B-9/55, B-9/135, B-9/136, B-10/16, B-10/22, B-10/47, B-10/49, B-10/53, B-10/54, B-11/63, B-11/77, B-11/80, B-12/49, B-12/52, B-12/70, B-12/77, B-12/86, B-12/89, B-13/20, B-13/22, B-13/33, B-13/51, B-14/6, B-14/7, B-14/8, B-14/14, B-14/32, B-14/69, B-14/70, B-14/72, B-14/76, B-14/86, B-14/102, B-14/103, B-15/6, B-15/40, B-16/5, B-16/16, B-16/25, B-16/43, B-16/44, B-16/45, B-16/47, B-16/73, B-16/76, B-16/77, B-16/100, B-16/119, B-16/120, B-17/42, B-17/44, B-17/48, B-17/63, B-17/83, B-17/84, B-17/85, B-17/89, B-17/103, B-17/106, B-17/113, B-17/115, B-17/118, B-17/120, B-18/49, B-18/50, B-18/87, B-18/89, B-18/113, B-18/119, B-20/84, B-20/90, B-20/92, B-20/109, B-20/116, B-20/117, B-20/119, B-20/121, B-20/124, B-20/125, B-20/138, B-20/139, B-20/140, B-20/142, B-20/144, B-20/145, B-20/151, B-20/155, B-20/257, B-20/269, B-21/106, B-21/117, B-21/118, C-1/7, C-1/8, C-2/32, C-2/104, C-2/129, C-2/133, C-2/135, C-3/13, C-3/18, C-3/25, C-3/29, C-3/52, C-3/54, C-3/107, C-3/108, C-3/113, C-3/116, C-4/46, C-4/48, C-4/55, C-4/56, C-4/58, C-5/6, C-5/10, C-7/13, C-7/17, C-7/17a, C-7/25, C-7/55, C-7/60, C-9/3, C-9/4, C-9/9, C-9/10, C-9/11, C-9/12, C-9/15, C-9/22, C-9/27, C-9/47, C-9/51, C-11/41, C-11/42, C-11/48, C-11/50, C-11/54, C-11/55, C-11/58, C-11/62, C-11/62a, C-11/63, C-11/64, C-11/77, C-11/78, C-11/80, C-11/81, C-11/86, C-12/3, C-12/4, C-12/13, C-12/14, C-12/70, C-12/71, C-12/77, C-12/88, C-12/93, C-12/94, C-13/6, C-13/12, C-13/19, C-13/20, C-13/23, C-13/26, C-13/27, C-13/32, C-13/33, C-13/40, C-13/45, C-13/56, C-13/56a, C-13/74,	Class 4 (Compulsory Acquisition of Rights – Overhead Line and Underground Cabling System)

EPN's Land (plot number)	Land, interest or right sought by the Applicant
C-13/78a, C-13/101, C-13/137, C-13/143, C-13/159, C-13/169, C-13/175, C-13/207, C-14/12, C-14/23, C-14/33, C-14/34, C-14/35, C-14/37, C-14/39, C-14/63, C-14/74, C-14/76, C-14/81, C-14/87, C-14/95, C-14/105, C-15/54, C-15/55, C-15/58, C-15/59, C-17/4, C-17/5, C-17/11, C-17/13, C-17/69, C-17/70, C-17/72, C-17/96, C-17/106, C-18/17, C-18/26, C-18/57, C-18/93, C-18/96a, D-1/52, D-1/67, D-1/68, D-2/42, D-2/43, D-2/48, D-3/17, D-3/18, D-3/19, D-3/21, D-3/25, D-3/26, D-3/33, D-3/36, D-3/37, D-3/44, D-3/57, D-3/58, D-3/63, D-3/65, D-3/66, D-3/69, D-4/55, D-4/56, D-4/59, D-4/95, D-4/97, D-5/40, D-5/41, D-5/42, D-5/49, D-6/50, D-6/51, D-6/62, D-7/7, D-7/17, D-7/20, D-7/33, D-7/59, D-7/64, D-7/77, D-7/81, D-7/86, D-7/90, D-7/97, D-7/112, D-7/124, D-8/22, D-9/4, D-9/12, D-9/46, D-9/48, D-9/66, D-9/67, D-9/73, D-9/79, D-9/111, D-9/118, E-1/49, E-1/50, E-1/75, E-1/89, E-2/4, E-3/1, E-3/3, E-3/5, E-3/6, E-3/36, E-3/39, E-3/51, E-3/52, E-3/53, E-3/56, E-3/66, E-3/70, E-3/98, E-3/108, E-4/18, E-4/19, E-4/22, E-4/24, E-4/29, E-4/63, E-4/65, E-4/74, E-4/76, E-4/77, E-5/7, E-5/8, E-5/42, E-5/46, E-5/49, E-5/63, E-5/80, E-5/94, E-5/113, E-6/14, E-6/15, E-6/17, E-6/30, E-6/32, E-7/18, E-7/25, E-7/32, E-7/34, E-7/54, F-1/14, F-1/32, F-1/77, F-1/78, F-1/85, F-2/17, F-2/31, F-2/44, F-3/73, F-3/97, F-3/99, F-4/8, F-4/17, F-4/18, F-4/22, F-5/6, F-5/11, F-5/13, F-6/5, F-6/11, F-6/44, F-6/52, F-8/17, F-8/26, F-9/10, F-9/12, F-9/15, F-9/29, F-9/71, F-9/75, F-9/91, F-9/94, F-9/105, F-10/4, F-10/8, F-10/49, F-10/50, F-10/66, F-10/67, G-1/23, G-2/3, G-2/4, G-2/5, G-2/25, G-2/31, G-2/32, G-2/51, G-2/53, G-2/120, G-2/121, G-2/122, G-2/123, G-2/141, G-2/142, G-2/144, G-2/145, G-2/148, G-2/149, G-2/150, G-3/3, G-3/38, G-3/39, G-3/49, G-3/51, G-3/57, G-3/59, G-4/13, G-4/30, G-4/43, G-4/52, G-4/97, G-4/103, G-4/116, G-4/124, G-4/126, G-4/135, G-4/136, G-4/144, G-5/10, G-5/19, G-6/52, G-6/97, G-6/116, H-1/41, H-1/96, H-2/29, H-2/31, H-2/32, H-2/33, H-3/5, H-3/14, H-3/30, H-3/42, H-3/46, H-3/50, H-4/3, H-4/23, H-4/25, H-4/27, H-4/29, H-4/30, H-4/34, H-4/35, H-4/39, H-4/60, H-4/89, H-4/95, H-4/116, H-5/17, H-5/21, H-5/54	
H-1a/1, H-1a/18	Class 4a (Compulsory Acquisition of Rights – Works for the Protection of Existing UKOP Apparatus Affected by the Authorised Development)
A-1/8, A-1/11, A-1/13, A-1/14, A-1/20, A-2/6, A-4/17, A-4/58, A-5/60, A-7/48, A-11/36, A-11/41, A-13/87, A-13/115, B-1/13, B-2/108, B-2/110, B-2/111, B-2/112, B-2/113, B-2/114, B-2/124, B-2/127, B-2/128, B-3/21,	Class 5 (Compulsory Acquisition of Rights – Access)

EPN's Land (plot number)	Land, interest or right sought by the Applicant
B-3/23, B-3/46, B-3/92, B-3/120, B-5/66, B-5/67, B-5/71, B-5/79, B-8/44, B-9/56, B-11/5, B-11/27, B-11/50, B-12/1, B-12/34, B-12/40, B-12/43, B-12/44, B-12/46, B-12/48, B-12/54, B-12/66, B-12/73, B-12/98, B-12/99, B-12/100, B-12/110, B-13/31, B-13/35, B-13/62, B-14/2, B-16/27, B-16/71, B-16/75, B-16/125, B-17/19, B-17/39, B-17/70, B-17/72, B-17/73, B-18/29, B-18/44, B-18/47, B-20/40, B-20/57, B-20/59, B-20/107, B-20/135, B-20/148, B-20/179, B-20/190, B-20/191, B-20/209, B-20/220, 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-3/91, C-3/93, C-4/60, C-4/63, C-12/82, C-14/96, C-17/94, C-18/36, D-1/37, D-2/60, D-2/61, D-2/62, D-3/15, D-3/68, D-3/70, D-4/6, D-4/19, D-5/10, D-6/5, D-7/61, D-7/63, D-7/69, D-7/76, D-7/85, D-7/96, D-7/108, D-7/110, D-7/111, D-7/121, D-8/2, D-8/9, D-8/25, D-9/2, D-9/31, D-9/72, D-9/145, E-1/17, E-3/15, E-3/35, E-3/55, E-4/8, E-4/91, E-5/12, E-5/18, E-5/24, E-5/26, E-5/33, E-5/44, E-5/55, E-5/66, E-5/67, E-5/85, E-5/93, E-5/98, E-5/100, E-5/102, E-5/105, E-5/110, E-6/2, E-6/9, E-7/16, E-7/22, E-7/30, F-3/59, F-3/100, F-3/104, F-4/16, F-6/63, F-8/74, F-9/60, F-9/67, G-1/26, G-2/61, G-2/111, G-2/114, G-4/2, G-4/47, G-4/110, G-4/128, G-5/15, G-5/24, G-5/76, G-5/79, G-5/89, G-6/5, G-6/12, G-6/17, G-6/33, G-6/36, G-6/111, G-6/138, G-6/165, H-1/10, H-1/16, H-1/17, H-1/32, H-1/93, H-2/3, H-2/13, H-2/20, H-3/24, H-3/51, H-4/6, H-4/50, H-4/120, H-4/121, H-4/138, H-4/141, H-5/22, H-5/25, H-5/127, H-5/129, H-5/141	
B-20/219b, B-20/255, B-20/271	Class 6 (Compulsory Acquisition of Rights – Drainage)

- 1.7.8 The procedure under s.127(3) and s.127(5) only applies to the compulsory acquisition of land or 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 H)** which relate solely to temporary use.

Asset Protection

- 1.7.9 The Applicant considers that there would be no serious detriment to EPN's undertaking if it were to acquire land, or interests and rights in land, (as applicable) in the plots set out in Table 1.2 and that the criteria as set out in s.127 are satisfied for the reasons set out below.
- 1.7.10 In relation to EPN's freehold or leasehold interest in the Class 1 land to be acquired by the Applicant:
- For plots A-1/2, A-1/56 and B-20/221, EPN holds leasehold interests in parts of the Applicant's Norwich Main Substation and Bramford Substation. In both cases,

the Applicant has no plans at this time to remove EPN's apparatus, which is expected to remain in situ. In any event, EPN's apparatus in these plots would benefit from the protections detailed in the remainder of this paragraph 1.7; and

- For plots C-14/126 and C-14/127, EPN holds freehold interests in slithers of highway, which, in the event they are acquired by the Applicant, would not materially affect the continued operation of the electricity distribution site adjoining the highway.

- 1.7.11 In relation to all of EPN's other apparatus and associated land rights, the required diversions of EPN's apparatus would be consented through the **3.1 Draft Development Consent Order (Revision H)**, which would include compulsory acquisition and temporary possession powers to secure the land rights needed to deliver those diversions (where voluntary agreement cannot be reached with the relevant landowner(s)).
- 1.7.12 As an undertaker for the purposes of the **3.1 Draft Development Consent Order (Revision H)**, EPN would have the direct benefit of the relevant order powers, meaning they can undertake the required diversions. The Applicant and EPN are continuing to discuss the design of the diversions, with a diversionary works agreement (on EPN's standard terms and conditions) either in place or progressing towards final agreement for each diversion.
- 1.7.13 Each diversion of EPN's apparatus would also be subject to the protective provisions included at Part 1 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision H)**, which benefit electricity undertakers. The protective provisions secure, amongst other things, that:
- The Applicant must not acquire any apparatus of EPN otherwise than by agreement;
 - Alternative apparatus is to be constructed and in operation to the reasonable satisfaction of EPN before removing any of EPN's apparatus or extinguishing any right of EPN to maintain apparatus in land, thus securing the protection of EPN's operational assets; and
 - Any works carried out near to, or that will or may affect, any of EPN's apparatus that is not being removed must be carried out in accordance with EPN's reasonable requirements, with details of those works to be submitted to EPN not less than 28 days before starting the execution of those works,
- meaning that EPN retains control over what the Applicant is proposing to do in respect of its apparatus. There would therefore be no serious detriment to the carrying on of EPN's statutory undertaking.
- 1.7.14 Finally, where the diversion of EPN's apparatus is not required, the interests and rights in land sought by the Applicant within a plot would co-exist within that plot alongside those of EPN and those interests and rights would cause minimal interference to EPN's undertaking. In those circumstances, the Applicant does not consider it necessary to replace the land over which interests and rights are required for the project.
- 1.7.15 Other than during construction of the project (noting that the protective provisions require the Applicant to provide details of any works to be undertaken near to, or which will or may affect, EPN's apparatus, and to comply with any reasonable requirements of EPN), potential interference would be limited to maintenance or

emergency works to the Applicant's equipment. On such occasions, the Applicant would consult with EPN in order to cause as little disruption as practicable during maintenance or emergency works.

Compulsory Acquisition

- 1.7.16 Notwithstanding EPN's role as an undertaker with the direct benefit of part of the **3.1 Draft Development Consent Order (Revision H)**, compulsory acquisition powers are sought in the **3.1 Draft Development Consent Order (Revision H)** over EPN's Land because, given the need for the project, the Applicant must have certainty that it is able to deliver the entirety of the project. Since voluntary land agreements are not yet in place with EPN, the Applicant has no certainty that the land, interests and rights it requires for the project will be secured by voluntary agreement with EPN. Therefore, compulsory acquisition powers are required as a fallback to guarantee the project's deliverability.
- 1.7.17 However, any exercise of compulsory acquisition powers relevant to EPN would be undertaken in accordance with the principles set out in the remainder of this application. The protective provisions at Part 1 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision H)** secure the protection of EPN's operational assets for the reasons given at paragraph 1.7.13.

Conclusion

- 1.7.18 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 H)**.
- 1.7.19 There would be no serious detriment to the carrying on of EPN's statutory undertaking, with the protective provisions included at Part 1 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision H)** securing the protection of EPN's operational assets by providing that:
- The Applicant must not acquire any apparatus of EPN otherwise than by agreement;
 - Alternative apparatus is to be constructed and in operation to the reasonable satisfaction of EPN before removing any of EPN's apparatus or extinguishing any right of EPN to maintain apparatus in land; and
 - Any works carried out near to, or that will or may affect, any of EPN's apparatus that is not being removed must be carried out in accordance with EPN's reasonable requirements, with details of those works to be submitted to EPN not less than 28 days before stating the execution of those works,
- meaning that EPN retains control over what the Applicant is proposing to do in respect of its apparatus.
- 1.7.20 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 in EPN's Land may be included for compulsory acquisition in the **3.1 Draft Development Consent Order (Revision H)**.

1.8 Section 138 Application

- 1.8.1 As noted above, the **3.1 Draft Development Consent Order (Revision H)** 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 H)** relates.
- 1.8.2 Section 138 of the 2008 Act is set out below:
- (1) This section applies if an order granting development consent authorizes 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 EPN in, on or under the plots listed in Table 1.2 above.
- 1.8.4 For the purposes of this application, it is the Applicant’s case that:
- Works associated with the project are necessary in the plots listed in Table 1.2 above (as described in Schedule 1 to the **3.1 Draft Development Consent Order (Revision H)** and shown on the **2.3 Works Plans – Section A-H [REP7-014] [REP6-014] [REP7-016] [REP7-018] [APP-021] [REP6-016] [REP5-021] [REP6-018]**);
 - The project could affect relevant rights and/or relevant apparatus vested in or belonging to EPN as a result of carrying out the authorised development, albeit in no circumstances would the Applicant interfere with relevant apparatus in such a manner as to be to the detriment of the undertaking or operations carried out by EPN for the reasons explained in paragraph 1.7;
 - In the absence of powers for the Applicant to ultimately extinguish such rights and/or remove such apparatus, given diversions of EPN’s apparatus

are required, the authorised development could not be guaranteed to be completed; and

- Protective provisions have been included at Part 1 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision H)**, which secures the protection of EPN's apparatus by providing that:
 - The Applicant must not acquire any apparatus of EPN otherwise than by agreement;
 - Alternative apparatus is to be constructed and in operation to the reasonable satisfaction of EPN before removing any of EPN's apparatus or extinguishing any right of EPN to maintain apparatus in land; and
 - Any works carried out near to, or that will or may affect, any of EPN's apparatus that is not being removed must be carried out in accordance with EPN's reasonable requirements, with details of those works to be submitted to EPN not less than 28 days before starting the execution of those works,

meaning that EPN retains control over what the Applicant is proposing to do in respect of its apparatus.

- 1.8.5 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 H)**, the Applicant contends that, specifically in relation to s.138, the Secretary of State can be satisfied that whilst the rights of EPN may potentially be subject to extinguishment or removal, the powers to do so are necessary for the project to proceed and, nevertheless, EPN's rights and apparatus are adequately protected by the protective provisions included at Part 1 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision H)**.

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 s.69(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 H)**; 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 H)**; 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 H)**; 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 H)**; 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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