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Network Rail Infrastructure Limited - Tracked Changes Version**

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nationalgrid

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1. Application Under S127 and S138 of the Planning Act 2008 (Network Rail) – 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 FH)** 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 FH)** 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 FH)**.
- 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 - A representation has been made, and not withdrawn, about an application for development consent; and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 FH)** 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 FH)**.

- 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 FH)** 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 FH)** relates.

1.4 This Application

- 1.4.1 The relevant statutory undertaker for the purposes of this application is Network Rail Infrastructure Limited (Network Rail). The Applicant proposes to acquire land, and interests and rights in land, in respect of which Network Rail also has interests and rights, with such interests and rights in land having been acquired by Network Rail (Network Rail's Land) for the purposes of its undertaking.
- 1.4.2 Network Rail has made representations to the Planning Inspectorate in relation to the application for development consent (RR-2671, RR-3896 ~~and~~ REP1-252, REP5-255 and REP7-563). The Applicant is in ongoing discussions with Network Rail regarding the application, but its representations have not currently been withdrawn.
- 1.4.3 If those representations are not withdrawn and the Secretary of State is satisfied that the land, or an interest or right in land, is used for the purposes of carrying on Network Rail's statutory undertaking, then the **3.1 Draft Development Consent Order (Revision FH)** may only include provision authorising the compulsory acquisition of an interest or right over a statutory undertaker's land by the creation of a new right over land, to the extent that the Secretary of State is satisfied that the requirements of s.127 have been met. Further, the **3.1 Draft Development Consent Order (Revision FH)** may only include provision giving the Applicant the power to extinguish rights of, remove or reposition the apparatus belonging to, statutory undertakers to the extent that the Secretary of State is satisfied that the requirements of s.138 have been met.
- 1.4.4 The Applicant is, therefore, making this application to the Secretary of State pursuant to s.127 and s.138 of the 2008 Act.
- 1.4.5 The following documents were submitted as part of the application for development consent in August 2025, have been updated throughout the examination, and are relied upon to support this application under s.127 and s.138:
- **2.2 Land Plans – Sections A-H (Revision EG);**
 - **2.3 Works Plans – Sections A-H [APP-017] (Revision B) (Revision C) (Revision B) REP7-014 [REP6-014] [REP7-016] [REP7-018] [APP-021] (Revision C) [REP6-016] [REP5-021] (Revision C) [REP6-018];**
 - **3.1 Draft Development Consent Order (Revision FH);**
 - **3.2 Explanatory Memorandum (Revision FH);**
 - **4.1 Statement of Reasons [REP3-010] (Revision E);**

- 4.3 Book of Reference (Revision **EG**);
- 5.6 Planning Statement [~~APP-085~~**REP7-090**]; and
- 6.1 Environmental Statement Chapter 1 – Introduction [~~APP-123~~**REP7-152**].

1.4.6 The **4.1 Statement of Reasons** [~~REP3-010~~**(Revision E)**] sets out the justification for seeking compulsory acquisition powers within the **3.1 Draft Development Consent Order (Revision FH)**.

1.5 Need Case

1.5.1 The need for the project has been established in the **5.6 Planning Statement** [~~APP-085~~**REP7-090**] and **4.1 Statement of Reasons** [~~REP3-010~~**(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** [~~APP-123~~[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 Network Rail's Land in connection with the project include the following:
- Installation of overhead line crossing Network Rail railway line; and
 - Installation of underground cabling beneath Network Rail railway line. It is anticipated that the installation would be carried out using a trenchless crossing technique.
- 1.6.2 Construction traffic will also interact with Network Rail assets where vehicles make use of existing crossing infrastructure to pass over or under the railway, including level crossings, in order to access works sites – this accounts for the bottom 27 entries in Table 1.1. This includes Abnormal Indivisible Load (AIL) delivery vehicles. These structures are situated on Primary Access Routes (PARs), unless otherwise noted below as AIL routes only.

Table 1.1 Proposed Works and Locations

Easting, Northing	Work No.	Works Description
608219, 271389	Work No.2	Works as shown on Sheet 6 of the 2.3 Works Plans - Section B (Revision B) [REP6-014] to construct and install a new overhead electric transmission line.
580163, 217884	Work No.2	Works as shown on Sheet 5 of the 2.3 Works Plans – Section E [APP-021] to construct and install a new overhead electric transmission line.
606030, 229647	Work No.7	Works as shown on Sheet 13 of the 2.3 Works Plans – Section C (Revision C) [REP7-016] to construct and install a new underground electric transmission cable.
605958, 229550	Work No.9	Works as shown on Sheet 13 of the 2.3 Works Plans – Section C (Revision C) [REP7-016] to construct and install a new overhead electric transmission line.
590879, 224795	Work No.9	Works as shown on Sheet 8 of the 2.3 Works Plans – Section D (Revision B) [REP7-018] to construct and install a new overhead electric transmission line.
580171, 217878	Work No.9	Works as shown on Sheet 5 of the 2.3 Works Plans – Section E [APP-021] to construct and install a new overhead electric transmission line.
566139, 200188	Work No.9	Works as shown on Sheets 10 of the 2.3 Works Plans – Section F (Revision C) [REP6-016] to construct and install a new overhead electric transmission line.
565027, 195591	Work No.9	Works as shown on Sheet 3 of the 2.3 Works Plans – Section G [REP5-021] to construct and install a new overhead electric transmission line.
565315,	Work No.9	Works as shown on Sheet 6 of the 2.3 Works Plans – Section G

Easting, Northing	Work No.	Works Description
187918		[REP5-021] to construct and install a new overhead electric transmission line.
563344, 197517	N/A	Church Road, Brentwood: Construction traffic proposed to pass over rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)
566096, 200153	N/A	Private road off B1002, Ingatestone: Construction traffic proposed to pass over rail crossing structure, to access sites – PAR only (Privately owned structure)
594650, 225301	N/A	Halstead Road, Colchester: Construction traffic proposed to pass over rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Essex County Council structure)
612422, 249532	N/A	Bramford Road, Ipswich: Construction traffic proposed to pass over rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Suffolk County Council structure)
606230, 257690	N/A	A1120, Stowmarket: Construction traffic proposed to pass over rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Suffolk County Council structure)
611782, 277747	N/A	A143 Old Bury Road, Diss: Construction traffic proposed to pass over rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)
587207, 283707	N/A	Mundford Road, Thetford Road: Construction traffic proposed to pass over rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Norfolk County Council structure)
568159, 182917	N/A	A1014, Stanford-Le-Hope: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (Thurrock Council structure)
568393, 202537	N/A	A12, Chelmsford: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)
591178, 223638	N/A	A120, Colchester: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)
597196, 226415	N/A	A12, Colchester: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)

Easting, Northing	Work No.	Works Description
574152, 209687	N/A	A131, Chelmsford: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)
558772, 187594	N/A	M25, Upminster: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)
558304, 184574	N/A	M25, Upminster: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)
563172, 176704	N/A	A1089, Tilbury: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (National Highways structure)
624536, 231878	N/A	A120, Harwich: Construction traffic proposed to pass over rail crossing structure, to access sites - AIL delivery route only (Essex County Council structure)
566823, 195126	N/A	Mountnessing Road, Billericay: Construction traffic proposed to pass over rail crossing structure, to access sites PAR, includes Large Mobile Crane AIL access (Network Rail structure)
581437, 214565	N/A	Highfields Road, Witham: Construction traffic proposed to pass under rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)
607094, 269309	N/A	Wickham Road, Stowmarket: Construction traffic proposed to pass under rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)
608402, 271726	N/A	Thornham Road, Eye: Construction traffic proposed to pass under rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)
612547, 279300	N/A	Victoria Road, Diss: Construction traffic proposed to pass under rail crossing structure, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)
576976, 221733	N/A	A120, Braintree: Construction traffic proposed to pass under rail crossing structure, to access sites – AIL delivery route only (Network Rail structure)
603440,	N/A	A120, Colchester:

Easting, Northing	Work No.	Works Description
227716		Construction traffic proposed to pass under rail crossing structure, to access sites – AIL delivery route only (Network Rail structure)
614802, 241007	N/A	A14, Ipswich: Construction traffic proposed to pass under rail crossing structure, to access sites – AIL delivery route only (Network Rail structure)
559058, 179809	N/A	A13, Grays, South Ockendon: Construction traffic proposed to pass under rail crossing structure, to access sites – AIL delivery route only (Network Rail structure)
556996, 192068	N/A	M25, Upminster, Brentwood: Construction traffic proposed to pass under rail crossing structure, to access sites – AIL delivery route only (Network Rail structure)
615842, 287974	N/A	B1134, Sneath Common, Norwich: Construction traffic proposed to pass over rail level crossing, to access sites - PAR, includes Large Mobile Crane AIL access (Network Rail structure)

- 1.6.3 Works in the vicinity of the Network Rail's Land will be planned, managed and undertaken such that risks associated with the design, construction and operation of the new overhead electric line and the new underground electric cable are suitably and sufficiently mitigated. This will be achieved through consultation with the responsible Asset Protection and Optimisation team at Network Rail, as well as compliance with Network Rail guidance 'Asset Protection and Optimisation Management of Outside Party Works' (Ref: NR/L2/CIV/096) and applicable Network Rail design standards, including but not limited to 'Planning, Design and Construction of Undertrack Crossings' (ref NR/L2/CIV/044), 'Monitoring Track Over or Adjacent to Construction Works' (NR/L2/CIV/177) and 'Piling, Drilling, Crane, MEWP and SMPT Operations Adjacent to the Railway' (NR/L3/CIV/0063).
- 1.6.4 Compliance with these measures and standards will mitigate any potential impact on the integrity or operation of the railway, for example by checking that the depth of the trenchless crossing and any settlement that results from these works will not materially affect the track support zone and providing track monitoring where required to confirm this.
- 1.6.5 The works relating to the installation of the overhead electric line over the railway will involve oversailing Network Rail's infrastructure. The Applicant will construct a scaffold tower either side of the railway (outside the limits of the railway boundaries) followed by the installation of netting strung between the two towers. The netting is installed to provide protection to the railway during the construction phase and in the unlikely event something was to fall during the installation of the overhead line conductors it would be caught by the netting.
- 1.6.6 Installation of the underground electric cable at depth beneath the railway will utilise trenchless crossing techniques in order to minimise any disruption to, or impact on, Network Rail's existing operational assets.

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 FH)** may only include a provision authorising the compulsory acquisition of statutory undertakers' land where the Secretary of State is satisfied that:
- The land may be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
 - The land can be replaced by other land belonging to, or available for acquisition by, the statutory undertaker without serious detriment to the carrying on of the undertaking.
- 1.7.2 Sections 127(2) and (3) are set out below:
- (2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (3).*
- (3) The matters are that the nature and situation of the land are such that—*
- (a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or*
- (b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.*
- 1.7.3 Sections 127(5) and (6) contain equivalent wording in respect of acquiring rights over statutory undertakers' land and are set out below:
- (5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6).*
- (6) The matters are that the nature and situation of the land are such that—*
- (a) the right can be purchased without serious detriment to the carrying on of the undertaking, or*
- (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.*
- 1.7.4 There is no statutory definition of “serious detriment”. The test for “serious detriment” is wide and holistic, it being more than a mere disadvantage. In the Examining Authority’s Report of Findings and Conclusions and Recommendation to the Secretary of State for Transport regarding The Lake Lothing (Lowestoft) Third Crossing Order 2020, the Examining Authority recognised at paragraph 8.5.138. *“that serious detriment is a matter of judgement on the scale of impact on the undertaking and that the decision maker should take a holistic approach”.*

Statutory Undertakers' Land

- 1.7.5 No land owned by Network Rail needs to be compulsorily acquired; only interests and rights in that land. Therefore, ss.127(2) and (3) of the 2008 Act are not engaged.
- 1.7.6 The Applicant understands the land, or interests and rights in land, (as applicable) in the plots set out in Table 1.2 have been acquired by Network Rail for the purposes of its undertaking. 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, ss.127(5) and (6) of the 2008 Act are engaged.
- 1.7.7 Below is a summary of the purposes for which Network Rail'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 [EG](#))** and the broad description included in the Appendix. Note that, as is explained in the **4.3 Book of Reference (Revision [EG](#))**, 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 Network Rail Land affected and land, interest or right sought by the Applicant

Network Rail's Land (plot number)	Interest or right sought by the Applicant
None	Class 1 (Compulsory Acquisition of Land) – in relation to freehold, leasehold or operational land of Network Rail
A-1/56, C-14/118a, C-14/129, C-14/130, C-15/3, C-15/3a, C-15/3c	Class 1 (Compulsory Acquisition of Land) – in relation to land in which Network Rail has apparatus or easements
B-6/11, B-6/31, B-6/34, B-6/35, B-6/41, B-6/44, B-6/53, B-6/65, B-6/76, B-6/78, B-6/83, B-6/85, B-6/87, B-6/88, B-12/83, B-12/84, B-12/85, B-13/1, B-13/6, C-13/66, C-13/67, C-13/70, C-13/71, C-13/89, C-13/96, C-13/97, C-13/102, C-13/104, C-13/106, D-8/4, D-8/6, D-8/8, D-8/11, E-5/10, E-5/29, E-5/30, E-5/36, E-5/40, E-5/41, E-5/47, E-5/52, E-5/53, E-5/57, E-5/60, E-5/69, E-5/71, E-5/75, E-5/92, E-5/103, E-5/106, E-5/107, E-5/108, E-6/1, E-6/10, G-1/25, G-1/28, G-1/30, G-3/47, G-3/55, G-3/58, G-4/1, G-6/180, G-6/187, G-6/188, G-6/189, H-1/24, H-1/31	Class 2 (Compulsory Acquisition of Rights – Overhead Line)
B-6/100, B-12/79, B-12/82, B-12/87, C-13/62, C-13/107, C-13/135, C-13/136, E-5/43, E-5/59, E-5/72, E-5/95, E-5/114, E-6/16, G-6/183, H-1/3	Class 3 (Compulsory Acquisition of Rights – Underground Cable System)
B-6/46, B-6/55, B-6/56, B-6/60, B-6/66, B-6/68, B-6/103, B-6/104, C-13/59, C-13/68, C-13/72, C-13/91, C-13/92, C-13/95, C-13/101, C-13/117, C-13/120, E-5/42, E-5/46, E-5/48, E-5/49, E-5/63, E-5/94, E-5/113, E-6/15, G-3/49, G-3/51, G-3/52, G-3/57, G-3/59, G-3/61, G-3/62, G-3/63	Class 4 (Compulsory Acquisition of Rights – Overhead Line and Underground Cabling System)
None	Class 4a (Compulsory Acquisition of Rights – Works for the Protection of Existing UKOP Apparatus Affected by the Authorised Development)
B-6/73, B-12/88, B-12/100, B-12/103, B-12/104, B-12/107, B-12/110, C-13/55, C-13/109, C-14/132, C-15/3f, D-8/9, D-8/14, D-8/15, E-5/10, E-5/26, E-5/33, E-5/44, E-5/55, E-5/64, E-5/66, E-5/67, E-5/93, E-5/98, E-5/100, E-5/102, E-5/105, E-5/110, E-6/2, E-6/9, G-1/26, G-6/178, H-1/32	Class 5 (Compulsory Acquisition of Rights – Access)
C-14/115, C-14/118, C-14/131, C-15/3g	Class 6 (Compulsory Acquisition of Rights –

Network Rail's Land (plot number)	Interest or right sought by the Applicant
	Drainage)

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

Asset Protection

- 1.7.9 The Applicant considers that there would be no serious detriment to Network Rail'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.
- 1.7.10 This is because the interests and rights in land sought by the Applicant within a plot would co-exist within that plot alongside those of Network Rail, and those interests and rights would cause minimal interference to Network Rail's undertaking. It is the Applicant's view that any interference caused (if at all) will not be a serious detriment to Network Rail carrying on its undertaking.
- 1.7.11 As no diversions of Network Rail's apparatus are proposed and the interests and rights to be acquired will co-exist with those of Network Rail, the Applicant does not consider it necessary to replace the land over which interests and rights are required for the project.
- 1.7.12 The Applicant will work with Network Rail regarding its operational requirements and has included protective provisions at Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)** with a view to protecting Network Rail's interests. While those protective provisions are still in discussion between the parties, they secure, amongst other things:
- Restrictions on the use of the Applicant's powers under the **3.1 Draft Development Consent Order (Revision FH)** for certain purposes in relation to railway property, including a requirement to not do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway;
 - The Applicant's entry into an asset protection agreement, a basic asset protection agreement or both (as shall be reasonably determined by Network Rail and in a form reasonably prescribed from time to time by Network Rail) prior to the carrying out of any work that is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and, for the avoidance of doubt, includes the maintenance of such work (Specified Work); and
 - That any Specified Works are carried out in accordance with plans submitted to and approved by Network Rail, having first delivered any protective works specified by Network Rail,
- meaning that Network Rail retains control over what the Applicant is proposing to do in respect of railway property and the Applicant cannot undertake any Specified Works that have not been approved by Network Rail. There would therefore be no serious detriment to the carrying on of Network Rail's statutory undertaking.

- 1.7.13 In this context, 'railway property' means any railway belonging to Network Rail, any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway, and any easement or other property interest held or used by Network Rail or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment.
- 1.7.14 Network Rail has indicated to the Applicant that a basic asset protection agreement will be required for each crossing. The construction and maintenance of the overhead electric line and the underground electric cable will be undertaken pursuant to the terms of those basic asset protection agreements (and/or asset protection agreements if subsequently required by Network Rail), thus securing the protection of Network Rail's operational assets. This is secured through paragraph 4.6 of Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)**.
- 1.7.15 Once the overhead electric line and the underground electric cable is in place pursuant to the rights acquired either through a voluntary easement or using compulsory acquisition powers under the **3.1 Draft Development Consent Order (Revision FH)**, it will not interfere with the usual operation of the railway. These rights would co-exist with those of Network Rail and cause minimal interference with Network Rail's undertaking.
- 1.7.16 Other than during construction of the project (noting that the Applicant will seek to agree with Network Rail in advance the timing of those operations required to be undertaken in proximity to Network Rail's operational assets), potential interference would be limited to maintenance or emergency works to the Applicant's equipment. On such occasions, the Applicant would consult with Network Rail in order to cause as little disruption as practicable during maintenance or emergency works. The Applicant would also be required to comply with any obligations relating to such maintenance or emergency works as are contained in the relevant asset protection agreement and/or basic asset protection agreement.
- 1.7.17 In respect of the construction traffic passing over or under the railway, as referenced in paragraph 1.6.2, the Applicant will be making use of existing crossing infrastructure. The Applicant is engaging with Network Rail over the use of crossing infrastructure by AILs and is undertaking structural assessments to confirm their suitability for use by its AILs and to identify any mitigation works that may be needed. Under paragraph 14 of Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)**, the Applicant would be liable should any damage be caused to, or additional maintenance be required to, railway property, or for any such interference or obstruction or delay to the operation of the railway, as a result of its access to or egress from the authorised development. Accordingly, there will be no serious detriment to the carrying on of Network Rail's statutory undertaking in connection with the use of the existing crossing infrastructure.

Compulsory Acquisition

- 1.7.18 Compulsory acquisition powers are sought in the **3.1 Draft Development Consent Order (Revision FH)** over Network Rail'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 it has not yet been possible to reach agreement with Network Rail on the grant of voluntary easements, the Applicant has no certainty that the interests and rights it requires for the project will be secured by voluntary agreement with

Network Rail. Therefore, compulsory acquisition powers are required as a fallback to guarantee the project's deliverability.

- 1.7.19 However, any exercise of compulsory acquisition powers relevant to Network Rail would be undertaken in accordance with the principles set out in the remainder of this submission. The protective provisions at Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)** secure the protection of Network Rail's operational assets for the reasons given at paragraph 1.7.12. The Applicant would also be required at all times to act in compliance with the terms of any asset protection agreement(s) and/or basic asset protection agreement(s) that Network Rail requires it to enter into.

Conclusion

- 1.7.20 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 FH)**.

- 1.7.21 There would be no serious detriment to the carrying on of Network Rail's statutory undertaking, with the protective provisions included at Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)** securing the protection of Network Rail's operational assets by providing:

- Restrictions on the use of the Applicant's powers under the **3.1 Draft Development Consent Order (Revision FH)** for certain purposes in relation to railway property, including a requirement to not do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway;
- That the Applicant is to enter into an asset protection agreement, a basic asset protection agreement or both (as shall be reasonably determined by Network Rail and in a form reasonably prescribed from time to time by Network Rail) prior to the carrying out of any Specified Work; and
- That any Specified Works are carried out in accordance with plans submitted to and approved by Network Rail, having first delivered any protective works specified by Network Rail,

meaning that Network Rail retains control over what the Applicant is proposing to do in respect of railway property and the Applicant cannot undertake any Specified Works that have not been approved by Network Rail.

- 1.7.22 Further, in the Secretary of State for Environment, Food and Rural Affairs' Decision Letter regarding the Cambridge Waste Water Treatment Plant Relocation Development Consent Order, the Secretary of State for Environment, Food and Rural Affairs recognised at paragraph 21.33, notwithstanding the absence of Network Rail's control on the use of compulsory acquisition powers, that "*In consideration of the current protective provisions which ensure that asset protection agreements are entered into prior to the carrying out of specific works [ER 6.5.110], and that proper and sufficient plans of specified works are provided for the reasonable approval of an NRIL engineer, and that specified works cannot be carried out except in accordance with such plans, the Secretary of State agrees with the ExA that the Applicant's protective provisions would afford NRIL an appropriate level of the protection in terms of its statutory undertaking, land and apparatus, and would*

ensure that the Proposed Development would not result in serious detriment to the carrying on of its undertaking consistent with sections 127 and 138 of the PA2008”.

- 1.7.23 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 Network Rail's Land may be included for compulsory acquisition in the **3.1 Draft Development Consent Order (Revision [FH](#))**.

1.8 Section 138 Application

- 1.8.1 As noted above, the **3.1 Draft Development Consent Order (Revision [FH](#))** 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 [FH](#))** relates.

- 1.8.2 Section 138 of the 2008 Act is set out below:

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

- a) there subsists over the land a relevant right, or*
- b) there is on, under or over the land relevant apparatus.*

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

- a) is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or*
- b) is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network.*

(3) “Relevant apparatus” means—

- a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or*
- b) electronic communications apparatus kept installed for the purposes of an electronic communications code network.*

(4) The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.

- 1.8.3 The Applicant understands that there is a relevant right and/or relevant apparatus vested in Network Rail 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 over the plots listed in Table 1.2 above (as described in Schedule 1 to the **3.1 Draft Development Consent Order (Revision [FH](#))** and shown on the **2.3 Works Plans – Sections A-H** [~~APP-017~~] (~~Revision B~~) (~~Revision C~~) (~~Revision B~~)[REP7-014](#)] [[REP6-014](#)]

[\[REP7-016\]](#) [\[REP7-018\]](#) [\[APP-021\]](#) (~~Revision C~~)[\[REP6-016\]](#) [\[REP5-021\]](#)
(~~Revision C~~)[\[REP6-018\]](#));

- The project could affect relevant rights and/or relevant apparatus vested in or belonging to Network Rail 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 Network Rail 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, in the event that diversions are required, the authorised development could not be guaranteed to be carried out; and
- Protective provisions have been included at Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)**, which secures the protection of Network Rail's apparatus by providing:
 - Restrictions on the use of the Applicant's powers under the **3.1 Draft Development Consent Order (Revision FH)** for certain purposes in relation to railway property, including a requirement to not do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway;
 - That the Applicant is to enter into an asset protection agreement, a basic asset protection agreement or both (as shall be reasonably determined by Network Rail and in a form reasonably prescribed from time to time by Network Rail) prior to the carrying out of any Specified Work; and
 - That any Specified Works are carried out in accordance with plans submitted to and approved by Network Rail, having first delivered any protective works specified by Network Rail,

meaning that Network Rail retains control over what the Applicant is proposing to do in respect of railway property and the Applicant cannot undertake any Specified Works that have not been approved by Network Rail. The Applicant also cannot extinguish or remove the rights of Network Rail if to do so would render railway property incapable of being used or maintained.

- 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 FH)**, and noting the comments of the Secretary of State for Environment, Food and Rural Affairs in the context of the Cambridge Waste Water Treatment Plant Relocation Development Consent Order included at paragraph 1.7.22, the Applicant contends that, specifically in relation to s.138, the Secretary of State can be satisfied that whilst the rights of Network Rail may potentially be subject to extinguishment or removal, the powers to do so are necessary for the project to proceed and, nevertheless, Network Rail's rights and apparatus are adequately protected by the protective provisions included at Part 16 of Schedule 16 to the **3.1 Draft Development Consent Order (Revision FH)**.

Abbreviations

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

Glossary

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

Appendix A.

Class of Rights

Appendix A

Class of Rights

- A.1.1 **Class 1 (Compulsory Acquisition of Land)** – acquisition of all interests and rights in the land.
- A.1.2 **Class 2 (Compulsory Acquisition of Rights – Overhead Line)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:
- with or without vehicles, plant and equipment to enter the land to construct the overhead electric line and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace, decommission and leave in situ or remove;
 - with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
 - with or without vehicles, plant and equipment to enter the land to access any adjoining land;
 - with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
 - to require the landowner not to do or suffer anything to be done upon the land which may interfere with or cause damage to the overhead electric line, including without limitation impose clearance restrictions, not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
 - to fly over, use on, and recover from the land robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, including for the purposes of inspection and maintenance;
 - to construct and install land drains cut off drainage and/or run-off drainage systems (including all necessary supports) soakaways and attenuation ponds on the land, and thereafter to infill and/or retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, decommission and leave in situ, reinstate, renew, alter and replace, the same;
 - to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds;
 - including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
 - to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the **3.1 Draft Development Consent Order (Revision ~~F~~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 FH)**; and
- to carry out any activities ancillary or incidental thereto.

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

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