
THE ELECTRICITY ACT 1989

AND

THE ACQUISITION OF LAND ACT 1981

THE NATIONAL GRID ELECTRICITY TRANSMISSION (LITTLE HORSTED SUBSTATION CONNECTION) COMPULSORY PURCHASE ORDER 2022

STATEMENT OF REASONS

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1. **INTRODUCTION**

- 1.1 This document is the Statement of Reasons of National Grid Electricity Transmission Plc ("**NGET**") prepared in connection with the National Grid Electricity Transmission (Little Horsted Substation Connection) Compulsory Purchase Order 2022 ("**the Order**") which was made by NGET on 24 March 2022.
- 1.2 If confirmed by the Secretary of State for Business, Energy and Industrial Strategy, the Order will authorise NGET to purchase compulsorily the land and new rights in land required for the construction and operation of a new 400kV NGET Grid Supply Point ("**GSP**") substation, a 132kV South Eastern Power Networks Plc ("**SEPN**") substation and two new pylons within it, and associated works to connect the new GSP substation to the existing 400kV Bolney to Ninfield 4VM overhead electricity line, for which NGET has an Electricity Transmission Licence (please see section 3 below for more information).
- 1.3 This Statement sets out NGET's justification for promoting the Order and explains why there is a compelling case in the public interest for the confirmation of the Order.
- 1.4 In this Statement, the land which is the subject of compulsory purchase powers is referred to as the "**Order Land**". The Order Land is described in section 8 of this Statement and is shown on the maps which form part of the Order.
- 1.5 The Order also contains a Schedule of Interests which identifies those persons with an interest in land affected by the Order.

2. **ROLES OF NGET, NGENSO AND SEPN IN THE ELECTRICITY NETWORK**

Overview

- 2.1 NGET is one of three Transmission Owners in Great Britain. It owns the high voltage (mainly 400kV & 275kV with some 132kV) National Electricity Transmission System ("**NETS**") in England and Wales. NGET is required to comply with National Electricity Transmission System Security and Quality of Supply Standards ("**NETS SQSS**") which establish a coordinated set of criteria and methodology for planning and operating the NETS.
- 2.2 NGET's obligations include building and maintaining the NETS safely, reliably, economically and efficiently; providing transmission services i.e. making its system available to National Grid Electricity System Operator Ltd ("**NGESO**") to operate; and providing connection offers to NGENSO in response to users (generator, customer etc) wishing to connect to the NETS. These obligations are imposed on NGET by its Electricity Transmission Licence, the energy regulator Ofgem, the Electricity Act 1989 ("**Act**") and the System Operator Transmission Code ("**STC**"). Rules regarding the quality of supply are contained in the Grid Code and the System Operator Transmission Owner (SO-TO) Codes.
- 2.3 NGENSO is a System Operator. Its role is to co-ordinate and direct the flow of electricity onto and over the NETS in an economic and co-ordinated manner. NGENSO must maintain system balance minute by minute, and address supply and demand mismatch, generation shortfall and/or high demand and insufficient generation margins to maintain supply. Additionally, NGENSO manages the connection application and offer process in Great Britain between the party wishing to connect to the NETS (generator, customer etc.) and NGET. These obligations are imposed on NGENSO by way of its Transmission Licence, Ofgem, the Act and several electricity transmission codes (which are for practical purposes multilateral contracts).
- 2.4 SEPN is a Distribution Network Operator ("**DNO**"). It owns and operates the low voltage (mainly 132kV & below) electricity distribution network in the London region. In the South East, SEPN is often used interchangeably with "**UK Power Networks**". DNOs have similar obligations to Transmission Owners in relation to the safety and reliability of their respective distribution systems.

2.5 In the case of the **Little Horsted Substation Connection Project ("the Project")**, SEPN made a connection request on 18th November 2016 through the NGESO to NGET, for a GSP at Little Horsted consisting of two 240MVA Super Grid Transformers ("**SGT**") for the reinforcement of its network. In accordance with NGET's license obligation, NGET made a connection offer via the NGESO to SEPN. That offer was accepted on 10th May 2018. Subsequently SEPN submitted a modification application to the NGESO on 30th July 2019 requesting additional network capacity due to increased forecast demand in the local area. NGET provided a revised offer, again via the NGESO to SEPN, which was accepted on 5th November 2019. The Project is required to fulfil that offer.

3. **POWERS UNDER WHICH THE ORDER WAS MADE**

3.1 The Order was made pursuant to section 10 of, and schedule 3 to, the Act, and having regard to the Department for Housing, Communities and Local Government's *Guidance on Compulsory Purchase process and The Crichele Down Rules* (July 2019) ("**CPO Guidance**").

3.2 Section 10 of the Act provides that the powers in schedule 3 (which provides for the compulsory acquisition of land) have effect in relation to the holder of a transmission licence.

3.3 NGET holds an Electricity Transmission Licence dated 28th September 2001 ("**Licence**") granted by the Gas and Electricity Markets Authority under section 6(1)(b) of the 1989 Act. As such, it is empowered to exercise powers of compulsory acquisition.

3.4 Paragraph 1(1) of schedule 3 provides that:

"the Secretary of State may authorise a licence holder to purchase compulsorily any land required for any purpose connected with the carrying on of the activities which the licence holder is authorised by the licence to carry on."

3.5 Paragraph 1(2) of schedule 3 to the Act confirms that "Land" includes any right over land, and that the Secretary of State's power includes power to authorise the acquisition of rights over land by creating new rights, as well as acquiring existing ones. This includes the creation of rights equivalent to an easement and "restrictive rights", akin to restrictive covenants.

3.6 NGET is taking a proportionate approach to compulsory acquisition and, rather than seek to acquire the freehold title to all of the Order Land, is seeking to acquire a combination of freehold title (for the NGET and SEPN substations to ensure safety and security and ecological mitigation land to ensure continuity of the mitigation) and permanent rights (such as rights to install and maintain the realigned overhead lines) as described in more detail in section 8 below.

4. **DESCRIPTION OF THE PROJECT**

The Project

4.1 The Project comprises the construction of a new 400kV NGET GSP substation, a 132kV SEPN substation and associated modification works (replacement of an existing pylon with two new pylons) to the existing 400kV Bolney to Ninfield 4VM overhead electricity line to enable the new GSP substation to connect to it.

4.2 The new 400kV NGET GSP will lower the voltage of the electricity flowing through the existing 400kV Bolney to Ninfield 4VM overhead electricity line from 400kV (transmission) to 132kV (distribution). This will allow the new 132kV SEPN substation to connect to it. The new SEPN substation will connect via 132kV underground cables to their Lewes substation, although this connection element is outside the scope of the Project.

4.3 NGET developed a design for the Project for the purposes of seeking planning permission and promoting the Order. This was informed by a wide range of surveys and assessments, including ecological surveys, geophysical surveys, ground investigations (e.g. boreholes),

soil surveys, and land drainage assessments. Planning permission was granted on 12th November 2021 as explained in section 6 below. The appointed principal contractor will be responsible for further developing the detailed design, including matters such as precise overhead line alignment, substation micro siting and identifying a suitable location for the low voltage power & communication multicore cabling within the GSP substation.

4.4 NGET has had regard to the Construction (Design and Management) Regulations 2015 (“**CDM**”) in its design of the Project. CDM ensures health and safety is coordinated and managed throughout all stages of a construction project (including during the development, design, construction and procurement stages) in order to reduce the risk of harm to those who will build, use and maintain structures. These requirements have influenced the design and the areas required for construction, including but not limited to, compounds and access roads.

4.5 The component parts of the Project are described below:

400kV NGET GSP Substation (shown coloured light pink on the CPO maps- Plot No. 35)

4.6 The NGET GSP substation layout is illustrated on the Proposed 400/132kV substation layout drawing at **Appendix 1** (“**Substation Indicative Layout Plan**”). The component parts are described in more detail below:

4.6.1 Outdoor equipment (shown coloured pink on the Substation Indicative Layout Plan) comprising:

- 4.6.1.1 Civil foundations, structures & earthing for the electrical equipment;
- 4.6.1.2 Lighting, for safe access and egress around the key electrical equipment, buildings, and pathways;
- 4.6.1.3 Electric busbar conductors;
- 4.6.1.4 Post insulators to support the busbar conductors;
- 4.6.1.5 Gantries for the transition between the OHL and substation equipment;
- 4.6.1.6 Capacitive voltage transformer for measuring the operational voltage in the substation;
- 4.6.1.7 Current transformer for measuring the operational current in the substation;
- 4.6.1.8 Disconnectors to electrically isolate the equipment;
- 4.6.1.9 Circuit breakers;
- 4.6.1.10 Earth switches;
- 4.6.1.11 Super Grid Transformers including cooler banks which will be located within a noise enclosure;
- 4.6.1.12 Surge arrestors;
- 4.6.1.13 Cable sealing ends for the transition between above ground equipment to underground cables;
- 4.6.1.14 A Generator which would be used in the event of a failure of the Distribution Network Operator’s low voltage electricity supply.

- 4.6.2 Buildings (shown coloured purple on the Substation Indicative Layout Plan), which will contain the following:
 - 4.6.2.1 Electrical protection and control relay panels;
 - 4.6.2.2 Telecommunication system;
 - 4.6.2.3 Battery and chargers;
 - 4.6.2.4 Low voltage power supply and other auxiliary systems;
 - 4.6.2.5 Storage & workshop space for spare parts and essential maintenance equipment;
 - 4.6.2.6 Office & welfare facilities;
- 4.6.3 Security perimeter fence (indicated by a solid black line with intermittent circles on the Substation Indicative Layout Plan)
 - 4.6.3.1 This comprises the electrified security fence around the substation perimeter which incorporates gates for pedestrian and vehicular access/egress to/from the substation.
- 4.6.4 Perimeter Pedestrian Access (shown coloured teal on the Substation Indicative Layout Plan)
 - 4.6.4.1 This comprises a two-metre-wide 'buffer' zone around the electrified security perimeter fence to allow inspection of the fence for any security breaches as well as appropriate safety clearance.
- 4.6.5 Car Park (shown coloured dark blue on the Substation Indicative Layout Plan)
 - 4.6.5.1 A hardstanding will be provided for car parking.
- 4.6.6 Access Roads (shown coloured grey on the Substation Indicative Layout Plan)
 - 4.6.6.1 Permanent roads within and outside the substation will facilitate vehicular access. These have been designed to accommodate the largest vehicles such as Super Grid Transformer trailers and cranes, which will require access to the substation and include appropriate safety clearances.
- 4.7 Landscape and Screening (shown coloured light green on the Substation Indicative Layout Plan)
 - 4.7.1 It is a requirement under the planning permission from Wealden District Council that landscape mitigation planting be provided to screen the NGET and SEPN substations.
 - 4.7.2 Screening will be achieved through a combination of tree and shrub planting, and boundary treatments such as hedgerows to help integrate the site into the surrounding landscape.
- 4.8 Pylons & conductor (indicated by solid orange lines/outlines on the Substation Indicative Layout Plan)
 - 4.8.1 New terminal pylons along with down leads and droppers for the respective circuits.

132kV SEPN Substation (shown coloured light pink on the CPO maps- Plot No. 35)

- 4.9 The SEPN substation layout is illustrated on the Substation Indicative Layout Plan at **Appendix 1**. The component parts are described in more detail below:
- 4.10 Outdoor equipment (shown coloured bright orange on the Substation Indicative Layout Plan) comprising:
- 4.10.1 Civil foundations, structures & earthing for the electrical equipment;
 - 4.10.2 Lighting, for safe access and egress around the key electrical equipment, buildings, and pathways;
 - 4.10.3 Electric busbar conductors;
 - 4.10.4 Post insulators to support the busbar conductors;
 - 4.10.5 Cable sealing ends for the transition between above ground equipment to underground cables;
- 4.11 Underground 132kV Cables (shown coloured dashed brown line on the Substation Indicative Layout Plan)
- 4.11.1 These are the underground 132kV cables, which connect the NGET and SEPN substations together.
- 4.12 Buildings (shown coloured purple on the Substation Indicative Layout Plan), which will contain the following:
- 4.12.1 Electrical protection and control relay panels;
 - 4.12.2 Telecommunication system;
 - 4.12.3 Battery and chargers
 - 4.12.4 Low voltage power supply and other auxiliary systems;
- 4.13 Security perimeter fence (indicated by a solid brown line with intermittent circles on the Substation Indicative Layout Plan)
- 4.13.1 This comprises the electrified security fence which surrounds the SEPN substation boundary and incorporates gates for pedestrian and vehicular access/egress to/from the substation.
- 4.14 Perimeter fence walk access (shown coloured teal on the Substation Indicative Layout Plan)
- 4.14.1 This comprises a two-metre-wide 'buffer' zone which goes around the electrified security perimeter fence to allow inspection of the fence for any security breaches as well as appropriate clearance.
- 4.15 Access roads (shown coloured grey on the Substation Indicative Layout Plan)
- 4.15.1 Permanent roads are within and outside the substation to facilitate access based on the largest vehicles such as cranes which will require access to the site as well as appropriate clearances.

Replacement overhead electricity lines (coloured green on the CPO maps)

- 4.16 As explained above, two new terminal pylons will be installed within the boundary of the GSP substation, which necessitates realignment of the existing overhead lines.

- 4.17 At pylon 4VM068(A), due to the angle of deviation in the overhead line, the insulator sets will be replaced, and the connection points will be extended to ensure safe operational clearances are maintained.
- 4.18 Similarly, at pylon 4VM070, due to the angle of deviation in the overhead line, the insulator sets will be replaced, and the connection points will be extended to ensure safe operational clearances are maintained.
- 4.19 In addition, the overhead line conductor for the section will be replaced.

Temporary Construction Compound ("TCC"), Temporary Working Areas ("TWA"), and Temporary Minor Working Areas ("TMWA") for Arcing Horn and Colour plate replacement

- 4.20 A TCC, TWAs and TMWAs, along with temporary construction access rights, are required to enable the construction of the substations and the overhead line modification.

4.21 TCC (coloured red on the CPO maps)

- 4.21.1 A TCC is required to facilitate construction of the NGET GSP and SEPN substations. It will comprise of hardstanding and a perimeter fence and will be used for the storage of plant and machinery and the stockpiling of materials, as well as for the provision of site management offices, parking, and welfare facilities for construction personnel (kitchen facilities, storerooms, toilets) in accordance with Health and Safety and CDM requirements. The TCC will be required for the full duration of the construction period, which is expected to commence in Q1 2023 and continue until Q4 2024.

4.22 TWAs (Coloured orange on the CPO maps)

- 4.22.1 TWAs are required along the existing overhead line from pylons 4VM064 to 4VM071. At pylon 4VM064 and 4VM071 the working area is larger area than the typical working area due to the need to set up the proposed conductor replacement stringing apparatus. They will be utilised for laydown of construction plant and equipment and storage whilst works are being undertaken in the vicinity. It is anticipated that the TWAs will be in place for the majority of the construction period.

4.23 TMWAs (Coloured grey and light blue on the CPO maps)

- 4.23.1 These areas are required at specific pylons along the existing overhead line route. They will be utilised to replace existing Arcing Horns and/or Colour Plates on pylons to ensure safe operation of the overhead line. To allow safe access around the pylons during the works, vegetation growth and/or bird nest removal may be necessary. It is unlikely that the TMWAs will be in place for the full construction period.

4.24 Construction Accesses (Coloured blue on CPO maps)

- 4.24.1 These are required for accessing the TWAs along the existing overhead line between pylons 4VM064 to 4VM071 from the public highway, as well as taking access to and from the TCC. These accesses are required for the purposes of constructing, installing, and commissioning the overhead electrical lines and associated infrastructure. The accesses will have temporary welfare facilities and security personnel to enable 24-hour security patrols. The accesses will be utilised for laydown of construction plant and equipment and storage whilst works are being undertaken in the vicinity. It is unlikely that these construction accesses will be in place for the full construction period.

4.25 Arcing Horn Accesses (Coloured light green on CPO maps)

- 4.25.1 These are required for accessing the TMWAs along the existing overhead line between pylons 4VM063 & 72-74 from the public highway to enable replacement of existing Arcing Horns to ensure safe operation of the overhead line and apply earthing to allow the main works to be carried out safely. It is unlikely that these arcing horn accesses will be in place for the full construction period.

4.26 Temporary Colour Plate Access (Coloured dark pink/magenta on CPO maps)

- 4.26.1 These are required for accessing the TMWAs along specific pylons along the 4VM route from the public highway to enable replacement of existing Colour Plates on pylons to ensure safe operation of the overhead line. It is unlikely that these colour plate accesses will be in place for the full construction period.

Drainage corridor (shown coloured brown on the CPO maps)

- 4.26.2 This is required for the water runoff from the Super Grid Transformer bunds within the GPS which, following treatment, will be conveyed via gravity pipework to outfall headwalls into the Ridgewood Stream watercourse.
- 4.26.3 Walkway access will be required from the GPS substation to inspect the manholes and the outfall headwalls throughout the operational life of the GPS.
- 4.26.4 A hardstanding will be required at the headwall to allow inspection and sampling of the water to monitor the outfall water contents.

Ecological Mitigation Land (shown coloured light pink on the CPO maps- Plot Nos. 58a and 58b)

- 4.26.5 As explained in more detail in section 8 below, offsite habitat enhancement and creation is required to provide compensation for the loss of protected species habitat, including great crested newt (GCN), Hazel Dormice and foraging Bat habitat, identified on the GSP site.
- 4.26.6 Habitats to be created will include lowland wildflower meadows, scrub and, where appropriate, woodland enhancements. These habitats are appropriate to compensate for the loss of sub-optimal terrestrial habitat for GCN and for foraging Bats; and, the temporary loss of habitat suitable for Hazel Dormice.

5. **NEED FOR AND BENEFITS OF THE PROJECT**

The need for the Project

- 5.1 As noted in section 2 above, SEPN made a connection request on 18th November 2016 through the NGENSO to NGET, for a GSP at Little Horsted consisting of two 240MVA SGT for the reinforcement of its network. Subsequently SEPN submitted a modification application to the NGENSO on 30th July 2019 requesting additional network capacity due to increased forecast demand in the Lewes/Newhaven area.
- 5.2 SEPN had initially identified the need to reinforce their existing 132kV distribution network in the Lewes/Newhaven area to maintain security of supply, which under the SQSS criteria triggered the need for a new GSP at Little Horsted consisting of two 240MVA SGT.
- 5.3 However, levels of local demand are anticipated to increase further due to demand for Electric Vehicle (EV) charging, flexible connections, and ongoing decarbonisation initiatives. To maintain future network resilience SEPN therefore requested further demand capacity at Little Horsted as part of the modification application.
- 5.4 Consequently, provision was made at Little Horsted for the future development of two additional 240MVA SGT, which will be required to satisfy this increased demand capacity under the SQSS criteria.

- 5.5 Following the connection application from NGENSO for SEPN to connect to NGET's transmission system, NGET is obliged under its transmission licence and the STC to make an offer to NGENSO (a Transmission Owner Construction Offer ("**TOCO**")) detailing the terms (essentially work, cost and programme) for the connection of SEPN. There are very limited exceptions to NGET's obligation to make a connection offer, which do not apply in the present case. Therefore, the Project is required to fulfil that connection offer.

Benefits of the Project

- 5.6 The UK Government recognises the importance and urgency of new energy developments and has published a series of National Policy Statements ("**NPS**") which set out national policy for nationally significant energy infrastructure recognising that providing affordable, reliable and sustainable energy is a key issue in UK Government policy. Although applying strictly to those projects falling within the definition of Nationally Significant Infrastructure Projects ("**NSIPs**"), the NPSs may also be a material consideration for projects progressed under the Town and Country Planning Act 1990 (as amended).

- 5.7 For the Project, the NPS for Energy (NPS EN-1), and the NPS for Electricity Networks Infrastructure (NPS EN-5), are considered to be material considerations.

NPS for Energy (EN-1)

- 5.8 The overarching NPS for Energy (NPS EN-1) sets out the Government's policy for delivery of major energy infrastructure.
- 5.9 Paragraph 2.20 notes that it is critical that the UK continues to have secure and reliable supplies of electricity as we transition to a low carbon economy and notes that to manage the risks to achieving security of supply we need sufficient electricity capacity to meet demand at all times and that electricity demand must be simultaneously and continuously met by its supply.
- 5.10 Paragraph 3.7.2 states that both demand and supply of electricity will increase in the coming decades and that existing transmission networks will have to evolve and adapt to handle increases in demand.
- 5.11 Paragraph 3.7.4 states that new electricity infrastructure projects will add to the reliability of the national energy supply and provide crucial national benefits which are shared by all users of the system.
- 5.12 Paragraph 3.7.10 develops this point, noting that there is an "urgent need for new electricity transmission and distribution infrastructure to be provided".
- 5.13 The Government has recently published, and is currently consulting on, a draft replacement for current NPS EN-1.
- 5.14 Paragraph 2.1.2 of the draft replacement EN-1 acknowledges that in order to produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale, and that high quality infrastructure is crucial for economic growth, boosting productivity and competitiveness.
- 5.15 Paragraph 4.4.6 of draft EN-1 explains that given the vital role of energy to economic prosperity and social well-being, it is important that our supply of energy remains secure, reliable, and affordable.
- 5.16 The Government has recently published, and is currently consulting on, the draft replacement for the NPS on Electricity Networks Infrastructure (EN-5).
- 5.17 Paragraph 1.1.1 of draft EN-5 acknowledges that "as the electricity system grows in dispersion, variety, and complexity, reinforcement of the networks writ large will be necessary to maintain system robustness and security of supply".

5.18 The key benefits that will arise from the Project, which are in-line with the aforementioned paragraphs of NPS EN-1 and EN-5, and draft replacement NPS EN-1 and EN-5 are:

5.18.1 Meeting energy demand:

5.18.1.1 SEPN forecasts from Q1 of 2024 onwards that in the Lewes/Newhaven area, (which is the area/‘power demand group’ that will be supplied from the existing Bolney to Ninfield overhead line via the Project), electricity demand will exceed more than 100MW. To comply with the SQSS, power demand groups over 100MW need to be restored within 3 hours in the event of two outages (n-2 scenario) occurring in the local distribution network. This requires the distribution network to be reinforced and therefore, the transmission network also needs to be reinforced to meet this increasing power demand.

5.18.2 Energy security/reliability of supply

5.18.2.1 Improving the resilience of the NETS and the SEPN distribution system reduces the risk to consumer supplies under normal and abnormal operating conditions.

5.18.2.2 In addition to ensuring security of supply in Lewes/Newhaven area, the Project will form an integral part of the UK’s wider electricity network and provide energy reliably whilst ensuring security of supply, because constructing additional substations increases the resilience of the network by enabling the power to flow where it is needed and by increasing the security of the system, ensuring a robust network.

6. **CONSENTS**

Planning Permission

6.1 Planning permission ref. WD/2021/0733/MAJ for the “erection of new substation to include new 400kv GSP substation operated by National Grid, new 132kv substation operated by UK Power Networks, single-storey substation amenities building to house welfare facilities and switching room, auxiliary rooms, widening of existing bell mouth to provide permanent access, internal access road, electric fence, parking and associated landscaping” was granted by Wealden District Council (“**WDC**”) in its capacity as local planning authority on 12 November 2021. This authorises the key elements of the Project.

Permitted Development

6.2 Some aspects of the Project are classified as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (“**GPDO 2015**”) and so do not require a specific grant of planning permission. They are:

6.2.1 The erection of two new 400kV pylons (68B and 69B) to be located wholly within the NGET GSP substation site that NGET will own once the option they have to purchase the land is exercised (Permitted Development – GPDO 2015 Schedule 2, Part 15, Class B(a). All relevant restrictions and conditions to fall within this class of permission development are met).

6.2.2 Existing NGET easements will be used for the modification and installation of overhead connection equipment from new pylons to gantries (downleads) (Permitted Development – GPDO 2015 Schedule 2, Part 15, Class B(a). All restrictions and conditions met).

6.2.3 Temporary protection scaffold over relevant roads, to allow safe re-wiring of the overhead line. (Permitted Development under GPDO Schedule 2, Part 4 Class A. Relevant highways approvals for temporary closures and traffic management).

Section 37 exemptions

- 6.3 Section 37 of the Electricity Act 1989 is the main means of obtaining consent for minor works relating to overhead lines in England unless they are exempted from such a requirement by meeting certain limitations and restrictions under the Overhead Line (Exemption) (England and Wales) Regulations- 2009.
- 6.4 The overhead line works associated with the Project under Regulation 3e are considered to meet these limitations and restrictions and, hence, NGET sought a consenting exemption from WDC and East Sussex County Council ("**ESCC**"), as the relevant Local Planning Authorities, for the following scope of works:
- Removal of pylon 4VM069 to be replaced by pylon 68B
 - A new pylon 4VM69B
 - Removal of the existing overhead line between pylons 4VM070 and 4VM068A to be replaced by two sections of overhead line approximately 20m to the south of the existing position connecting pylons 4VM070 and 4VM068A via the new pylons (4VM068B and 4VM069B) into the proposed substation. The two sections of replacement overhead lines are approximately 238m and 232m in length.
- 6.5 WDC and ESCC responded on 11th May and 21st July 2021 respectively, to confirm that the works were exempt and did not require a section 37 consent.

Additional consents

- 6.6 A number of additional consents/licences will be required to facilitate the Project. These include the following:
- 6.6.1 Approvals from the local planning authority pursuant to the planning conditions contained in the Planning Permission;
- 6.6.2 European Protected Species Licences for dormice and GNC;
- 6.6.3 S278 Highways Act 1980 to connect the access into the substation to the public highway (Eastbourne Road);
- 6.6.4 Temporary Public Rights of Way closures/ diversions licence;
- 6.6.5 Permit to discharge surface water drainage outfall;
- 6.7 The aforementioned requirements are typical for this type of development and NGET and their contractors are familiar with the necessary scope of works to fulfil these. Should additional consents/licences be identified as being required as the Project's detailed design develops, NGET and their contractors are confident that these will also be satisfactorily agreed with the relevant authorities'.

7. ALTERNATIVES

- 7.1 To support the identification of a preferred site for the new GSP substation and associated overhead line works, NGET carried out a series of studies between 2018 and 2021 which are summarised below.

NGET's Approach to Developing and Delivering New Infrastructure

- 7.2 NGET's regulatory duties in relation to developing and maintaining an economical and efficient NETS are set out in Section 9 of the Act and informed by Schedule 9 of the Act which places a duty on developers such as NGET to 'consider the desirability of preserving amenity'. This includes considering impacts upon communities, landscape, visual amenity, cultural heritage and ecological resources. How National Grid proposes to meet this

statutory duty in developing and delivering projects is set out in the commitments contained in its 'Stakeholder, Community and Amenity Policy'¹

- 7.3 National Grid's 'Our Approach to Options Appraisal'², ~~(2018)~~ statutory duties.
- 7.4 The 'Horlock Rules'³, guidelines for the design and siting of substations and substation extensions, were established by National Grid in 2009 in pursuance of its duties under the Electricity Act 1989 to avoid or reduce the environmental effects of such developments.

'Site Selection and Options Appraisal' (2018)

- 7.5 SEPN identified the requirement for a new 400/132kV GSP in the vicinity of the existing National Grid Bolney – Ninfield 4VM 400kV overhead line. In response to this connection request from SEPN, NGET undertook a site options appraisal, the process of which is summarised below.
- 7.6 In 2018, NGET commissioned a 'Site Selection and Options Appraisal' to help inform the most appropriate location for the proposed GSP substation. As the GSP substation was required to facilitate a connection between SEPN's existing substation at Lewes, and NGET's existing 400kV overhead line between Bolney and Ninfield, locating the new substation as close as possible to the existing overhead line would limit the extent of new overhead line development required. It would also be sufficiently close to SEPN's 132kV Lewes substation to make the underground connection between the two substations economically and technically viable.
- 7.7 The 'Site Selection and Options Appraisal' process identified and focused on a 2km search diameter extending from pylons 4VM058 to 4VM080 of the existing Bolney to Ninfield overhead line as being appropriate ("the Target Zone"). The 'Target Zone' comprised an area to the south and south-east of Uckfield, West Sussex.
- 7.8 As part of the 'Site Selection and Options Appraisal' process, a range of environmental and planning constraints were considered and mapped using GIS. The objective of this was to identify locations within the 'Target Zone' where a sufficient area of unconstrained land was available to accommodate the proposed GSP substation.
- 7.9 The 'Site Selection and Options Appraisal' process identified seventeen potential locations for the new GSP substation within the 'Target Zone', in addition to six potential locations that had already been identified by SEPN, giving a total of twenty-three.
- 7.10 Each of the twenty-three potential locations were then assessed further by site visits to each location. Thirteen of the locations were subsequently determined to be unsuitable for development due to planning and amenity considerations, principally due to proximity of residential properties, visual prominence, access constraints or a combination of all these factors.
- 7.11 Following the site visit, the ten remaining potential sites were taken forward for further environmental, technical, and economic assessment, including the six sites originally identified by SEPN, plus four locations identified by the NGET Site Selection and Options Appraisal process.
- 7.12 A more detailed assessment was undertaken of the ten potential sites, based on factors such as proximity to the existing Bolney-Ninfield overhead line, environmental and socio-

¹ Stakeholder, Community and Amenity Policy <https://www.nationalgrid.com/uk/electricity-transmission/document/81026/download>

² Our Approach to Options Appraisal <https://www.nationalgrid.com/uk/electricity-transmission/document/96531/download>

³ <https://www.nationalgrid.com/sites/default/files/documents/13796-The%20Horlock%20Rules.pdf>

economic constraints, land use and designations, proximity to settlements/residential properties, sensitive heritage designations and flood zones.

7.13 The preferred site from the 2018 Report was identified as land at Crockstead Farm (Site 3).

Back-check and Review (2019)

7.14 In July 2019, previously identified sites were re-assessed due to introduced design changes which materially increased the development footprint from approximately 10 acres to circa 25 acres. This backcheck exercise included a review of constraints mapping, a review of the suitability of existing identified sites, identification of any new sites and a review of relevant planning decisions.

7.15 This re-assessment resulted in discounting three of the six SEPN sites and two of the NGET sites identified in the 2018 study, but a further four potential sites were identified giving a total of nine sites for further consideration.

Backcheck and Review (November 2020)

7.16 A further backcheck exercise carried out in November 2020, following recognised appraisal methodologies, concluded that:

'in consideration of the above, the preferred option is Site 3. Although Site 3 and Site Y are similar in terms of potential landscape and visual impacts, there is a preference for Site 3 as this option avoids the construction of new access track infrastructure between the site and the public highway which is likely to increase potential for environmental effect (such as landscape, ecology and archaeology).'

7.17 Site 3 was land at Crockstead Farm which continued to be identified as the most suitable, in comparison to other sites considered, for the following reasons:

- Proximity to the existing Bolney to Ninfield overhead line, limiting the extent of new overhead line development required;
- Sufficient proximity to SEPN's 132kV Lewes substation to make the underground connection between the two substations economically and technically viable;
- Existing degradation to the landscape character and quality because of equestrian use (e.g., loss of traditional field boundaries / hedgerows, replaced by fencing) and its proximity to the frequently travelled A22 public highway which was considered to effect landscape setting and remoteness of the landscape;
- A greater degree of separation between the GSP substation site and the nearest residential receptor than at the other potential sites;
- Direct access from the public highway with no requirement for additional access tracks and no impacts on Public Rights of Way.

Backcheck and Review (November 2021)

7.18 Since the most recent Siting Study in November 2020, further environmental assessment and design work has been undertaken at the preferred site at Crockstead Farm to inform a full planning application submitted to the Local Planning Authority, WDC, in early 2021.

7.19 The conclusions of the latest backcheck exercise are that the findings of the November 2020 report remain appropriate and that additional environmental work, particularly with regard to ecology, undertaken since November 2020 and required to inform planning application determination and discharge planning conditions, has not identified any aspects that would change the outcome of the site selection process. Further technical and cost consideration since November 2020 have also not identified any significant changes. Hence, there are

no known site alternatives that would equal or better the selected option, Site 3 at Crockstead Farm.

8. **LAND AND NEW RIGHTS REQUIRED**

The Order Land

- 8.1 The Order Land is shown on the maps that accompany the Order. It comprises all of the land required for the construction, operation, repair, maintenance and decommissioning of the Project:

Land along existing Bolney-Ninfield overhead line, to the east and west of the proposed substation site, along which upgrading works will be carried out as part of the Project to replace Arcing Horns

- 8.2 The land due east of the A26 and south of the A22 in the vicinity of towers 4VM074 through to 4VM071 traverses grassland and Hungerhale and High Wood within The East Sussex National Golf Course over a distance of approximately 1.65km.
- 8.3 The overhead line then crosses the A22 Uckfield Bypass onto grassland over a distance of circa 213m in the vicinity of pylon 4VM070.
- 8.4 The overhead lines to the east of pylon 4VM070 are to be realigned to connect to the new pylon 4VM69B within the new NGET GSP substation. The realigned overhead lines cross the Eastbourne Road into the grassland south of High Cross Lake and Park where it is proposed to install the new NGET GSP substation.

NGET GSP and SEPN Substation site and primary compound

- 8.5 The land situated east of Eastbourne Road and North of the A22 on which towers 4VM069B and 068B are located is primarily grassland with small areas of woodland south of High Cross Lake.
- 8.6 The land required for construction of the NGET GPS and SEPN the substations (circa 23.89 acres / 9.67 Hectares to the west of Crockstead Farm, shown shaded light pink and allocated plot no. 35 on the CPO maps) is subject to a 36 month Option agreement dated 11th May 2020 between NGET, SEPN and the landowner, Ridgewood Holdings Limited for. The primary compound is located to the south of the substation site being circa 2.75 acres / 1.11 Hectares (shown coloured red on the CPO maps).

Ecological Mitigation Land

This area of land is located approximately 450m to the east of the proposed substation site and directly east of tower 4VM067. It is approximately 20.5 acres / 8.3 hectares in size and comprises primarily arable land with areas of woodland adjacent to the stream. It is ecologically connected to the proposed substation site via outgrown hedges and a watercourse. This land is generally considered to be of low ecological value and would provide the greatest gains for protected species and wider biodiversity. Importantly, it is adjacent to an existing road to allow for ongoing access for maintenance associated with the ecological mitigation works.

Land along the existing Bolney-Ninfield overhead line, to the east of the proposed substation site, along which upgrading works will be carried out to replace Arcing Horns and Colour Plates

- 8.7 East of the substation site the land is primarily grassland with areas of woodland in the immediate vicinity of the stream and field boundaries through to tower 4VM067 over a distance of around 460m.
- 8.8 The section of overhead lines to the west of pylon 4VM068 are to be realigned to connect to the new pylons 4VM68B and 4VM069B within the new NGET GSP substation. The

realigned overhead lines cross grassland, a watercourse and scrub north of Crockstead Farm.

8.9 East of the ecological mitigation land, the overhead lines traverse arable land through to tower 4VM066 and then Sand Hill Lane.

8.10 Pylon 4VM063, immediately east of the B2192 Road, is located on grassland.

8.11 There will be a requirement to access the following pylons (4VM002 through to 4VM068B which are located on arable land/grassland/woodland) to install replacement 'Colour Identification Plates' (which are required for safety purposes to correctly label and identify the circuit):

- 4VM063 – Grassland
- 4VM062 – Woodland
- 4VM061 – Grassland
- 4VM 60 & 59 – Arable
- 4VM048 – Arable
- 4VM042 & 041 – Grassland
- 4VM036 & 035 – Grassland
- 4VM 034 & 033 – Arable
- 4VM032 – Woodland
- 4VM031 – Grassland within an Area of Outstanding Natural Beauty
- 4VM030 – Woodland within an Area of Outstanding Natural Beauty
- 4VM029 – Fruit and Vegetables within an Area of Outstanding Natural Beauty
- 4VM028 – Grassland within an Area of Outstanding Natural Beauty
- 4VM025,024 & 023 – Grassland within an Area of Outstanding Natural Beauty
- 4VM021 – Grassland within an Area of Outstanding Natural Beauty
- 4VM020 – Woodland within an Area of Outstanding Natural Beauty
- 4VM019 – Grassland within an Area of Outstanding Natural Beauty
- 4VM017 & 16 – Grassland within an Area of Outstanding Natural Beauty
- 4VM015 – Arable within an Area of Outstanding Natural Beauty
- 4VM014 – Grassland within an Area of Outstanding Natural Beauty
- 4VM013, 012 & 011 – Grassland
- 4VM006 – Grassland
- 4VM004 – Woodland
- 4VM003 & 002 – Grassland

Freehold Acquisition

- 8.12 NGET is taking a proportionate approach to acquisition and only seeks to acquire the freehold title to the Order Land for the purposes of above ground permanent infrastructure, namely the NGET GSP substation and the SEPN substations (CPO Plot 35), and to mitigate the impacts of the new substations on the habitat of protected species (CPO Plots 58a and 58b). In all other instances rights in land will be acquired.
- 8.13 The Order Land that NGET seek to acquire is shown coloured light pink on Order maps 3, 4 and 5.
- 8.14 Section 4 of this Statement explains the works which will be undertaken at the substation site to construct the NGET GSP and SEPN substations. Freehold acquisition is necessary to ensure that NGET and SEPN have the necessary exclusive possession and control of the land required for the safe construction, operation and maintenance of these installations.
- 8.15 Plots 58a and 58b are needed to mitigate the impacts of construction of the proposed NGET GSP and SEPN substations on the natural habitat of protected species, namely Hazel Dormice, GCN and Bats, by enabling the creation of compensation habitat. It is necessary to acquire the freehold of this land given that the compensation habitat must be retained for a minimum of 25 to 30 years in order to mitigate the loss of the protected species habitat on the substation site and comply with DEFRA's Biodiversity Metric. (The anticipated lifetime of the NGET GSP and SEPN substations is circa 40 years and they will likely remain in situ beyond that period.)

Compulsory acquisition of new rights

- 8.16 The new rights sought by NGET have been separated into 'packages' based on their purpose and applied to specific plots, as appropriate. Some of the rights are only required for temporary purposes, such as the creation of construction compounds, and will only be exercised during the construction phase. Other rights will be permanent in nature, such as the right to keep installed, operate, maintain and decommission the new (realigned) sections of overhead line.
- 8.17 The rights 'packages' have been tailored in this way to ensure that a proportionate approach to compulsory purchase is taken, and that the impact for affected landowners and occupiers is limited so far as reasonably practicable.
- 8.18 The rights packages are defined in full in the Order and are replicated at **Appendix 3** to this Statement. Column 2 to the Schedule to the Order explains whether or not it is proposed to acquire land or new rights in respect of the numbered parcels of the Order Land. Where new rights are proposed to be acquired, the description identifies the name of the appropriate rights package.
- 8.19 The rights packages may be summarised as follows:

Name of Rights Package	Rights	Colour on CPO Maps
Arcing Horn Access Rights	Rights to take access over the land for the purpose of removing and replacing Arcing Horns.	Light Green
Arcing Horn Rights	Rights to remove and replace Arcing Horns and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Light Blue

Colour Plate Access Rights	Rights to take access over the land for the purposes of removing and replacing safety Colour Plates on pylons, and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Dark Pink/magenta
Colour Plate Rights	Rights to remove and replace safety Colour Plates on pylons, and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Grey
Construction Access Rights	Rights to take access over the land for the purposes of constructing, installing, commissioning etc. the overhead electrical lines, NGET GSP and SEPN substations and associated infrastructure, and land drainage systems, and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Blue
Construction Compound Rights	Rights to erect, create, use, and remove works compound and to reinstate the land thereafter, and rights to prevent any works on or use of the land that would prevent the erection, creation, use or removal of that compound or the reinstatement of the land.	Red
Ecological Mitigation Rights	Rights to install, retain, maintain etc. ecological mitigation measures, and rights to prevent any works on or use of the land that would prevent the installation, retention and maintenance etc. of those measures.	Purple
Ecological Mitigation Access Rights	Rights to take access over the land for the purpose of installing, retaining, maintaining etc. ecological mitigation measures, and rights to prevent any works on or use of the land that would prevent the installation, retention and maintenance of those measures.	Turquoise
Drainage Rights	Rights to carry out de-watering, and to install, retain, maintain etc. land drainage systems, including rights to prevent damage of or access to the land drainage systems.	Brown
Overhead Line Rights	Rights to construct, retain, maintain etc. overhead electricity lines and associated infrastructure, including rights to protect the lines from damage and interference.	Green
Substation Visibility Splay Rights	Rights to maintain a visibility splay to ensure safe vehicular access and egress from/to the substation site, including rights to remove vegetation etc.	Yellow
Working Area Rights	Rights to create and use working areas required in connection with works to install overhead electricity lines and associated infrastructure, and rights to prevent any works on or use of the land that would prevent the creation and use of such working areas.	Orange
Working Area and Ecological Mitigation Access Rights	Rights to create and use working areas required in connection with works to install overhead electricity lines and associated infrastructure, and rights to access land to install and maintain etc. ecological mitigation measures, and rights to prevent any works on or use of the land that would prevent the creation, use and maintenance of such working areas or the taking of access to install and maintain ecological mitigation measures.	Cross-hatched green

Construction and Ecological Mitigation Access Rights	Rights to take access over the land for the purpose of construction and the installation of ecological mitigation measure, and rights to prevent any works on or use of the land that would prevent such access from being taken.	Dark Grey
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9. **ACQUISITION BY AGREEMENT**

Engagement Strategy

- 9.1 The Schedule to the Order identifies those persons with an interest in the Order Land. NGET has attempted to engage constructively in meaningful discussions with all known owners and occupiers of the Order Land, with a view to acquiring the land and new rights needed for the Project by agreement if at all possible, in accordance with the CPO Guidance.
- 9.2 Engagement with the majority of owners and occupiers commenced in August 2020 in connection with requests for access to survey land to inform development of the Project design and will continue in parallel with promotion of the Order (please see the Schedule of Landowner Engagement at **Appendix 2** for further detail).
- 9.3 Land referencing activities took place in Spring 2021 and have continued throughout the planning application process and development of the Project.
- 9.4 National Grid’s overarching Land Rights Strategy was adopted in 2010 to provide a consistent methodology for acquiring land and rights for National Grid’s infrastructure projects, in particular aimed at securing permanent rights to protect the long-term lifespan of the infrastructure. It promotes and enables effective and consistent communication with those who are most affected by National Grid’s proposals and embodies the principles of the CPO Guidance on seeking to acquire land and rights by negotiation if at all possible. It ensures that people are treated fairly and consistently, no matter where they live, and seeks to encourage landowners to enter into voluntary agreements and prompt long term stakeholder relationships.
- 9.5 Negotiations to acquire the land and new rights needed for the Project are being carried out by Fisher German (FG), acting on behalf of and managed/instructed by NGET, in accordance with the Land Rights Strategy.
- 9.6 Throughout the engagement period, NGET and FG have taken time to explain NGET’s land requirements, kept landowners apprised of the Project’s progress/programme, and considered feedback received. As a result of this liaison, for example, NGET received feedback associated with the diversion of the overhead lines, between pylon 4VM068 to 070, from a number of landowners in writing and at one-to-one consultation meetings. The feedback primarily related to the location of the overhead line and towers and the impact on views. NGET considered this feedback during the evolution of the Project design and accommodated it wherever practicable having regard to other constraints including physical, ecological and operational. As a consequence of the feedback, the alignment was moved south as far as possible. Any further realignment south would have significant implications as towers 4VM070 and 4VM068A would have to be upgraded because of the increased angle of turn and consequential adverse impact on operational, engineering and land requirements within the substation and on adjacent land holdings.

Progress to date

- 9.7 As explained above, NGET is taking a proportionate approach to land acquisition and is only seeking to acquire the freehold of the land in two instances - for the two substations and

for ecological mitigation. NGET is acquiring lesser interests (i.e. rights in land) where practicable.

- 9.8 An Option Agreement was concluded in May 2020 which enables NGET and SEPN to acquire the freehold of the land required for the NGET GSP and SEPN substations, (shown coloured light pink on the CPO maps and comprising plot number 35). The intention is to 'draw down' the Option and acquire this land in Spring 2022. However, it has been included in the Order to ensure that the Project can be completed in the event that any unknown third party interests come to light which have not been identified despite a thorough land referencing process having been undertaken in advance of the making of the Order.
- 9.9 The Plots numbered 58a and 58b and coloured light pink on the Order maps is owned by the same landowner as the substation site and are needed to mitigate the impacts of the proposed GSP substation on the natural habitat of protected species, namely Hazel Dormice, GCN, and foraging Bats, by enabling the creation of new compensation habitat. It is necessary to acquire the freehold of this land given that the mitigation i.e. the creation and maintenance of new habitat will be required for a minimum of 25 to 30 years in order to comply with the DEFRA Biodiversity Metric, and effectively will sterilise the land.
- 9.10 Letters offering to agree Heads of Terms ("HoTs") for the acquisition of the principal rights needed over the Order Land were issued in July 2021. Following some further design refinement, letters offering to agree Heads of Terms for rights of access to replace colour plates were sent out in November 2021 and January 2022, and for new access rights in February 2022.
- 9.11 As explained above, **Appendix 2** comprises a schedule of the key stages of engagement with landowners and occupiers to date.
- 9.12 The table below summaries the current position with regards to private treaty negotiations:

	Total No. Required	Landowner interest questionnaires returned	HOT's/access in negotiation	HOT's access agreed	Agreements complete
Main works and mitigation land	14	6	10	0	1
Easements for New Accesses	11	8	11	0	0
Colour Plates Access	12	9	12	0	0

- 9.13 NGET is committed to securing the land and rights needed for the Project by voluntary agreement if at all possible and is continuing to progress negotiations with landowners and occupiers as quickly as possible. However, despite these efforts, NGET has not yet secured all of the interests in the Order Land that it requires for the delivery of the Project. In order to provide certainty that the land and rights required for the Project can be assembled within a reasonable timeframe to enable the Project to be delivered, it is therefore necessary for NGET to start the CPO process in parallel with private treaty negotiations. Running the CPO process in parallel with continuing landowner negotiations is expressly envisaged by paragraph 17 of the CPO Guidance and NGET remains fully committed to continuing to progress negotiations throughout the CPO process in order to acquire land by agreement, where possible.

9.14 NGET considers it essential to secure the grant of permanent easements associated with the diversion of the overhead lines rather than wayleaves (whether by negotiation or through an application for a CPO) for the following reasons:

9.14.1 It is in the public interest to obtain the appropriate security for the electricity supply network through the grant of permanent land rights rather than temporary land rights.

9.14.2 Permanent land rights are commensurate with the nature and lifetime of the infrastructure comprised in the Project and NGET's statutory duty to maintain an efficient and robust NETS and to meet demand for electricity from DNOs .

9.15 As paragraph 2.3.2 of draft NPS EN-5 explains, "*permanent arrangements are strongly preferred over wayleaves (which are terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency, and reflecting the importance of the relevant infrastructure to the nation's net zero goals*".

Other assistance and commitments provided to landowners

9.16 In addition to seeking to acquire land and rights by negotiation, NGET has taken other steps to try to help owners and occupiers affected by the Order.

9.17 NGET have set out their commitments to landowners and/or occupiers in a Code of Practice titled 'Construction Best Practice for Overhead Line Installation (GR01365, December 2021)' (**Appendix 4**) which provides information on the working practices of NGET and their contractors, and describes the key mitigation measures relating to land drainage, farming operations and disturbance.

9.18 In summary, the Code of Practice:

- describes the preparatory work that will need to be undertaken by NGET/its contractors (such as the carrying out of surveys, land condition assessments, and the erection of fencing);
- explains what land NGET will need to use during construction and the precautionary/preventative measures that will be put in place by NGET/its contractors to ensure, for example, that services and water supplies are maintained wherever possible or reinstated where disruption is unavoidable, and that pests and diseases are not spread etc.;
- describes the construction methods that NGET/its contractors will use;
- explains the restoration works that will be undertaken by NGET/its contractors following completion of the works; and
- NGET recognises that a key concern of landowners is the impact of the works on agricultural operations and soils. All landowners will be offered consultation and meetings to seek to ensure that the reinstatement proposals provide a solution as part of the land reinstatement upon completion of the works.

9.19 There will be continuing dialogue with landowners as construction detail develops.

9.20 In the event that voluntary agreements cannot be concluded, parties subject to compulsory acquisition will be entitled to compensation under the CPO Compensation Code.

10. **DELIVERY AND FUNDING**

10.1 **Delivery**

- 10.1.1 NGET is part of the National Grid group of companies (“**National Grid**”). NGET, through its parent company National Grid, has an excellent track record in delivering infrastructure projects, including new substations, and has an excellent financial standing as explained below.
- 10.1.2 NGET has extensive experience of building, operating and maintaining linear infrastructure schemes including overhead electricity systems and substations.
- 10.1.3 By way of example, NGET has developed & delivered the following projects:
 - 10.1.3.1 Bulls Lodge 400kV substation; this is a new grid supply point substation that connects Network Rail demand capacity requirement.
 - 10.1.3.2 Barking 132kV substation; this is a grid supply point substation that connects London Power Networks, which is part of UK Power Networks.
 - 10.1.3.3 Highbury 400kV substation; this is a new grid supply point substation that connects London Power Networks, which is part of UK Power Networks. This project was delivered as part of the London Power Tunnel project 1.
- 10.1.4 The following provides a high-level overview of the delivery programme for the Project:
 - 10.1.4.1 The procurement process, which will lead to the appointment of the principal contractor, commenced in Q1 of 2022 and it is anticipated that contract will be awarded in Q3 2022.
 - 10.1.4.2 The pre-enabling ecological works will commence in Q2 of 2022, within the ecological season window.
 - 10.1.4.3 Post contract award, the principal contractor will conduct detailed design work, which will be required before the commencement of construction works, and place orders for the required substation and overhead line equipment.
 - 10.1.4.4 The principal contractor will mobilise onsite and commence construction activities, which are planned for Q1 of 2023.
 - 10.1.4.5 The construction end date, including commissioning & testing, is planned for Q4 of 2024.

10.2 **Funding**

- 10.2.1 NGET is responsible for developing, constructing, and financing the NGET 400kV GSP substation and modification to the existing 400kV Bolney to Ninfield overhead electricity line as described in section 4. It is also responsible for the payment of compensation for the acquisition of land and rights required for the Project whether pursuant to a voluntary agreement or the Compensation Code.
- 10.2.2 NGET investments inclusive of this Project are funded via Ofgem’s regulatory framework known as RIIO T2 (Revenue = Incentives + Innovation + Outputs). Ofgem reviews the level of funding provided on a periodic basis at the start of each price control period. As part of the RIIO-T2 price control determination, funding was provided for the Little Horsted Connection project, where Ofgem reviewed and approved the needs case and associated costs for the project.

- 10.2.3 Given National Grid's strong credit rating, the requisite funding is available to meet the implementation and land acquisition/compulsory purchase compensation costs associated with the Project as and when required (including any advance payments).
- 10.2.4 Accordingly, NGET considers that the criteria in paragraphs 13 and 14 of the CPO Guidance are satisfied.

11. **HUMAN RIGHTS**

- 11.1 Each plot of land described in the Order is required either for the purposes of the Project, or is needed to facilitate, mitigate, or is incidental to the Project.
- 11.2 NGET is taking a proportionate approach to compulsory acquisition and, rather than seeking to acquire the freehold title to all of the Order Land, is seeking to acquire a combination of freehold title (for the NGET and SEPN substations to ensure safety and security and ecological mitigation land to ensure continuity of the mitigation) and rights (such as rights to install and maintain the realigned overhead lines).
- 11.3 NGET has sought to acquire the rights and interests in land which are required to deliver the Project through private treaty negotiation. Details of the negotiations to date are set out in section 9 of this Statement.
- 11.4 NGET considers that it has taken a proportionate approach to land assembly, having regard to the impact on affected persons. NGET has sought to acquire only such land and/or interests which are necessary for the Project to proceed.
- 11.5 Notwithstanding the efforts that have been made to acquire interests in the land by way of voluntary agreement, as at the 24th of March 2022, NGET has been unable to secure all of the requisite interests through negotiation. It is therefore necessary to seek compulsory powers to enable the delivery of the Project.
- 11.6 Negotiations to acquire interests by private treaty will continue in parallel with the CPO process. Where an agreement is reached with the owner of any part of the Order Land, that land, save where expressly stated otherwise, will be retained as part of the Order Land. This will enable NGET (and its successors) to acquire any third-party interests that may subsist in the land which might otherwise delay, impede or prevent the implementation or operation of the Project. This is the approach recommended in the General Overview at page 6 of the CPO Guidance.
- 11.7 With regard to Human Rights, Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights ("the Convention"). The position is summarised in paragraph 12 of the General Overview of the Guidance, which states that a compulsory purchase order should only be made where there is "*a compelling case in the public interest*". The Guidance makes it clear that an acquiring authority should be sure that the purposes for which it is seeking compulsory acquisition powers sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol to the Convention, and in the case of dwelling, Article 8.
- 11.8 Article 1 of the First Protocol states that:
- "...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."*
- 11.9 Whilst owners and occupiers of the Order Land may be deprived of their property/interest in property if the Order is confirmed, this will be in accordance with the law. NGET is only seeking the acquisition of the freehold title to the Order Land where necessary. The remainder of the Order Land is proposed to be affected by new rights only. The Order is

being promoted in the public interest as required by Article 1 of the First Protocol and the public benefits have been set out in detail earlier in this Statement. NGET considers that the Order will strike the right balance between the public interest in the implementation of the Project and those private rights that will be affected by the Order.

11.10 Article 6 of the Convention provides that:

"In determining his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

11.11 The Order has been extensively publicised and consultation has taken place with the community and key stakeholders in the region. All those affected by the Order will be notified, will have the right to make representations and objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held by the courts that statutory processes are in compliance with Article 6 of the Convention.

11.12 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

11.13 NGET has sought to keep any interference with the rights of those with interests in the Order Land to a minimum. The land within the Order has been limited to the minimum required for the Project infrastructure to be installed, operated and maintained.

11.14 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of compulsory purchase powers conferred by the Order would be lawful, justified and proportionate.

Equality Act

11.15 NGET has, as a non-public body exercising public functions, had regard to the public sector equality duty set out in s149(1) of the Equality Act 2010 and has, in promoting the Order, and has undertaken a community consultation and landowner engagement exercise.

11.16 NGET has taken account of and considered receptors and effects on those receptors through its environmental assessment processes for the Project.

11.17 NGET does not currently consider that the Project will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic. However, the engagement process is ongoing and NGET's position will be continually monitored and should any persons be identified who may adversely impacted by the Project packages of assistance measures will be put in place as necessary so as to mitigate so far as practicable any identified activity that may have an adverse impact on these individuals.

12. STATEMENT JUSTIFYING EXTENT OF SCHEME TO BE DISREGARDED FOR THE PURPOSES OF ASSESSING COMPENSATION IN THE 'NO-SCHEME WORLD'

12.1 Paragraph 196(v), Section 12, of the CPO Guidance requires a statement to be included in every statement of reasons which justifies the extent of the scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'.

12.2 Section 6(A) of the Land Compensation Act 1961 ("LCA 1961") provides that "*the no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory*

acquisition of the land". For the purposes of section 6(A), the "scheme" means the scheme of development underlying the acquisition.

12.3 Section 6 explains that the underlying scheme is to be the scheme provided for by the Order unless it is shown that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument.

12.4 The Order authorises the compulsory acquisition of land and rights needed for the Project. The Project is the "scheme" for the purposes of section 6(A).

13. **CONCLUSION**

13.1 By virtue of section 10 and Schedule 3 of the Act, NGET may be authorised to purchase compulsorily land and rights in land.

13.3 Paragraph 12 of the CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest and explains that there are certain fundamental principles that a confirming minister should consider when deciding whether or not to confirm a compulsory purchase order. These fundamental principles are as follows:

That NGET as acquiring authority has a clear idea of how it intends to use the land (or rights over land) which it is proposing to acquire (paragraph 13 of the CPO Guidance)

13.4 Section 4 of this Statement describes the infrastructure that will comprise the Project and how the land included in the Order will be used during construction and operation of the Project.

13.5 All of the rights and interests in land proposed to be acquired under the Order are required for the purpose of the Project and are reasonable and proportionate. Importantly, NGET is taking a proportionate approach to land acquisition, in line with policy and guidance, and does not propose to acquire any land or rights beyond those that are reasonably required.

That the Project is unlikely to be blocked by any physical or legal impediments to implementation (paragraph 15 of the CPO Guidance)

13.6 As explained in section 6 of this Statement, Planning Permission has been granted for the Project. There are not considered to be any physical or legal impediments to the implementation of the Project.

That all the necessary resources are likely to be available within a reasonable time-scale (paragraphs 13 and 14 of the CPO Guidance)

13.7 Section 10 of this Statement explains that NGET has assessed the costs of implementing the Project, and the costs of acquiring the necessary land and rights over land required it and is satisfied that the requisite funding is available to meet the construction and land acquisition/compulsory purchase compensation costs associated with the Project as and when required (including any advance payments and blight claims).

That the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected and particular consideration should be given to the provisions of Article 1 of the First Protocol to the Convention and, in the case of a dwelling, Article 8 of the Convention (paragraph 12 of the CPO Guidance)

13.8 The Order is being promoted in the public interest. NGET considers that the Order will strike the right balance between the public interest in the implementation of the Project and those private rights that will be affected by the Order.

- 13.9 As explained in sections 4 and 9 of this Statement, each plot of land described in the Order is required for the purposes of the Project.
- 13.10 Whilst owners and occupiers of the Order Land may be deprived of their property/interest in property if the Order is confirmed, this will be in accordance with the law and NGET has adopted a proportionate approach in only seeking the acquisition of the freehold title to the Order Land in two specific circumstances i.e. for the NGET GPS and SEPN substations and ecological mitigation; the majority of the Order Land is proposed to be affected by new rights only.
- 13.11 Those whose interests are acquired under the Order will be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 13.12 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of compulsory purchase powers conferred by the Order would be lawful, justified and proportionate.

That NGET has taken reasonable steps to acquire all of the land and rights included in the Order by agreement (paragraph 2 of the CPO Guidance).

- 13.13 NGET is committed to securing the necessary land and rights required for the Project by voluntary agreement if at all possible, and has made determined and persistent efforts to engage and negotiate with landowners. It has secured an Option over the land required for the substations and is continuing to progress negotiations for Heads of Terms for the remainder of the Order Land.
- 13.14 In order to provide certainty that all the land and rights required for Project can be secured, it has been necessary for NGET to progress the Order in parallel with private treaty negotiations. This is envisaged by paragraph 2 of the CPO Guidance. However, NGET remains committed to continuing to progress negotiations and secure the necessary land and rights by agreement.
- 13.15 Accordingly, NGET considers that the criteria in the CPO Guidance are satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

14. **FURTHER INFORMATION**

Negotiation of acquisitions

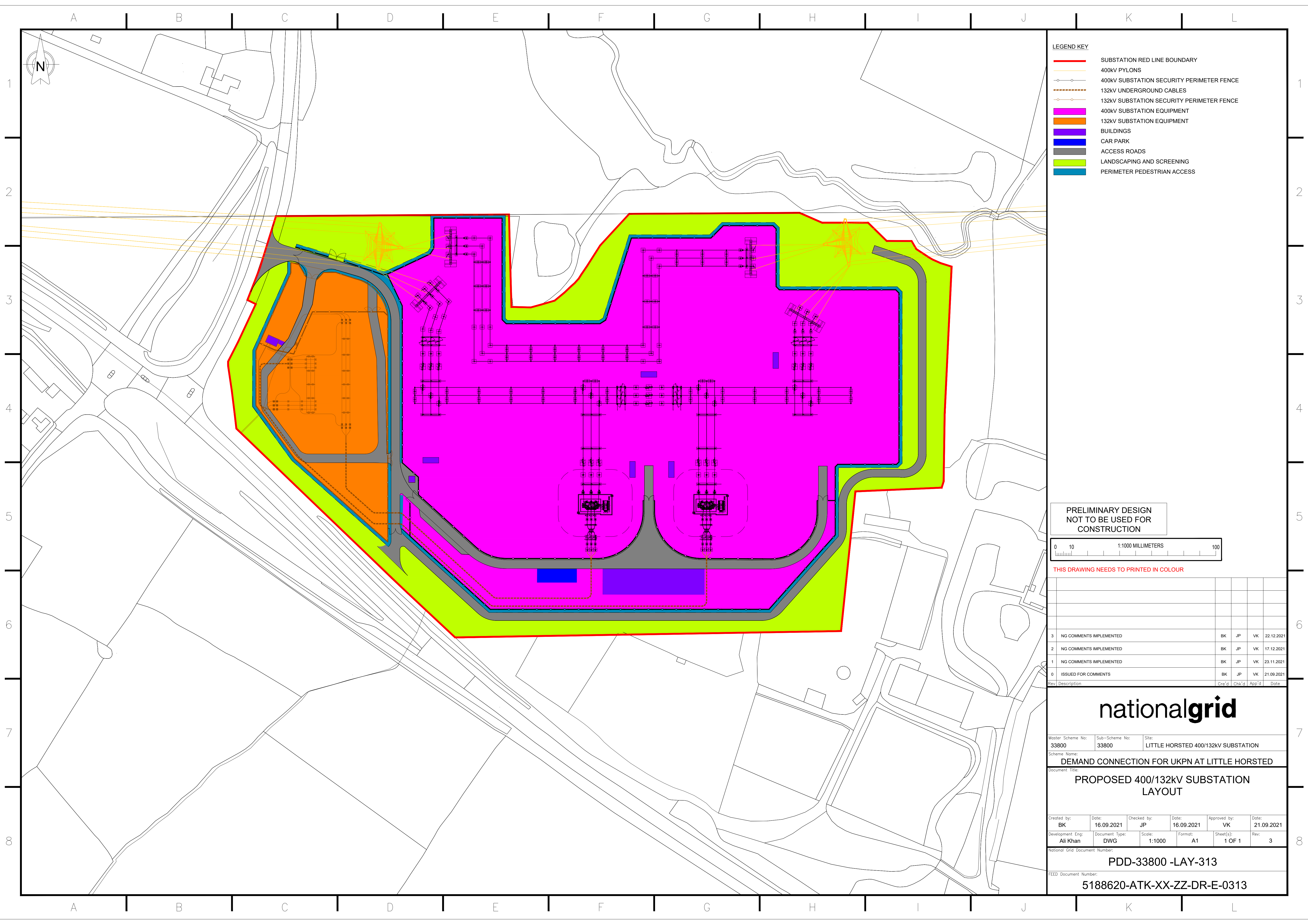
- 14.1 Owners and occupiers of land affected by the Project who wish to negotiate a voluntary agreement or discuss matters of compensation should contact NGET's appointed land agent, Fisher German by telephone on 01227 477870 or in writing to Address: Fisher German, Court Lodge Farm Offices, Godmersham Park, Canterbury, Kent CT4 7DT.

Compensation

- 14.2 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Department for Housing, Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:
- Booklet No. 1 - Compulsory Purchase Procedure.
 - Booklet No. 2 - Compensation to Business Owners and Occupiers.
 - Booklet No. 3 - Compensation to Agricultural Owners and Occupiers.

- Booklet No. 4 - Compensation for Residential Owners and Occupiers.
- 14.3 These booklets are available to download for free online at: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>
- 14.4 A copy of this Statement, the Order and maps are available for inspection at <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/little-horsted>
- 14.5 The Order and Plan can also be inspected at The Civic Centre Uckfield, East Sussex, TN22 1AE and Uckfield Library, Library Way, High St, Uckfield TN22 1AR at all reasonable hours.
15. **LIST OF DOCUMENTS**
- 15.1 The Order, Order Schedule and Order Map.
- 15.2 Department for Housing, Communities and Local Government's *Guidance on Compulsory Purchase process and The Criche! Down Rules* (July 2019) (CPO Guidance).
- 15.3 Code of Practice (**Appendix 4**).

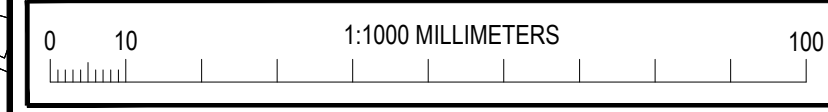
APPENDIX 1
SUBSTATION INDICATIVE LAYOUT PLAN



LEGEND KEY

- SUBSTATION RED LINE BOUNDARY
- 400kV PYLONS
- 400kV SUBSTATION SECURITY PERIMETER FENCE
- 132kV UNDERGROUND CABLES
- 132kV SUBSTATION SECURITY PERIMETER FENCE
- 400kV SUBSTATION EQUIPMENT
- 132kV SUBSTATION EQUIPMENT
- BUILDINGS
- CAR PARK
- ACCESS ROADS
- LANDSCAPING AND SCREENING
- PERIMETER PEDESTRIAN ACCESS

PRELIMINARY DESIGN
NOT TO BE USED FOR
CONSTRUCTION



THIS DRAWING NEEDS TO PRINTED IN COLOUR

Rev	Description	Cre'd	Chk'd	App'd	Date
3	NG COMMENTS IMPLEMENTED	BK	JP	VK	22.12.2021
2	NG COMMENTS IMPLEMENTED	BK	JP	VK	17.12.2021
1	NG COMMENTS IMPLEMENTED	BK	JP	VK	23.11.2021
0	ISSUED FOR COMMENTS	BK	JP	VK	21.09.2021

nationalgrid

Master Scheme No: 33800 Sub-Scheme No: 33800 Site: LITTLE HORSTED 400/132kV SUBSTATION
Scheme Name: DEMAND CONNECTION FOR UKPN AT LITTLE HORSTED

Document Title: PROPOSED 400/132kV SUBSTATION LAYOUT

Created by: BK	Date: 16.09.2021	Checked by: JP	Date: 16.09.2021	Approved by: VK	Date: 21.09.2021
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APPENDIX 2

SCHEDULE OF LANDOWNER ENGAGEMENT

A summary of the stages and timelines of landowner interaction is provided below:

Date	Description of engagement
May 2020	Option agreement for substation site completed
August 2020	Site meeting with owner of Crockstead Farm (option land) to discuss project details Survey access request issued to main landowners Contact referencing commenced
September 2020	Survey access requests sent to PILs (Persons with an Interest in Land) bordering substation location and other key locations
April 2021	Initial letters sent to Phase 1 PILs (for the main works & easements) with datasheet request (seeking confirmation of land interests and contact details)
May 2021	Letters sent to Phase 1 PILs to chase unreturned datasheets
July 2021	Heads of Terms (HoTs) letters sent to Phase 1 PILs Follow-up letter sent to Phase 1 PILs (2 nd attempt) concerning HoTs Calls with PILs & agents to discuss queries and provide explanations
August 2021	Follow-up emails and calls to Phase 1 PILs to seek to confirm details Site meetings with PILs and agents where requested
September 2021	Project programme update letters sent to Phase 1 PILs Initial letters sent to Phase 2 PILs (regarding additional access rights where apparatus not accessible from the nearest public highway under existing rights) with datasheet requests Site meetings with PILs & agents
October 2021	Letters sent to Phase 1 PILs advising them formally of NGET's intention to seek a CPO (Compulsory Purchase Order)
November 2021	Letters sent to Phase 2 PILs advising them formally of NGET's intention to seek a CPO Initial letters sent to Phase 3 PILs (upgrade wayleave to easement where named grantor out of date and/or to obtain rights to undertake works) with datasheet request Follow-up letter sent to Phase 1 PILs (3 rd attempt) to seek to agree HoTs

	<p>Negotiation of easement terms with responsive PILs</p> <p>Ongoing responses to PIL & agent queries</p>
December 2021	<p>Letters sent to Phase 2 & 3 PILs to follow-up unreturned datasheets</p> <p>Discussion with landowner re. Option land and works to clear spoil from it prior to exercise of the Option</p>
January 2022	<p>Letters with datasheets sent to 16 additional Phase 3 PILs (additional access over private roads, or where additional titles identified as affected by colour plate working areas)</p> <p>8 datasheets received back from Phase 3 PILs</p>
February 2022	<p>Letters sent to 11 Phase 3 PILs enclosing HoTs</p>

APPENDIX 3

LAND RIGHTS PACKAGES

Name of Rights Package	Rights	Colour on CPO Maps
Arcing Horn Access Rights	Rights to access the land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, for the purposes of installing, altering, renewing, replacing and removing Arcing Horns, including rights to carry out works to facilitate such access, such as vegetation clearance, and rights to prevent any works on or use of the land that would prevent such access from being taken.	Light Green
Arcing Horn Rights	<p>All rights necessary for the purposes of or incidental to installing, altering, renewing, replacing and removing Arcing Horns, including rights to:</p> <ul style="list-style-type: none"> (a) enter and be upon the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; (b) carry out incidental works to allow safe access to the pylons such as vegetation clearance and bird nest removal; (c) apply a temporary electricity earthing system to pylons; (d) replace permanent colour plates on pylons; <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Light Blue
Colour Plate Access Rights	Rights to access the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, for the purposes of or incidental to installing, altering, renewing, replacing and removing Colour Plates on pylons, including rights to carry out works to facilitate such access, such as vegetation clearance and to prevent any works on or use of the land that would prevent such access from being taken.	Dark Pink/magenta
Colour Plate Rights	<p>All rights necessary for the purposes of or incidental to installing, altering, renewing, replacing and removing Colour Plates on pylons, including rights to:</p> <ul style="list-style-type: none"> (a) enter and be upon the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; (b) carry out incidental works to allow safe access to the pylons such as vegetation clearance and bird nest removal; (c) apply a temporary electricity earthing system to pylons; 	Grey

	and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.	
Construction Access Rights	<p>Rights to access the land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of or incidental to constructing, installing, commissioning, altering and inspecting, the overhead electrical lines, substation and associated infrastructure, and installing, altering or reinstating land drainage systems, including rights to:</p> <p>(a) carry out works to facilitate such access such as clearing vegetation, and constructing, laying down, using and removing access roads, including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities;</p> <p>(b) install, use and remove temporary welfare facilities and security camera towers for security personnel to enable 24-hour security patrols,</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Blue
Construction Compound Rights	<p>All rights necessary to erect, create, use, and remove a works compound which may include welfare facilities containing portable toilets, portable cabins, offices, and electricity generators, including rights to:</p> <p>(a) store and stockpile and where necessary use manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment;</p> <p>(b) access the compound area with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>(c) erect, use and remove fencing, hoardings, signage and/or otherwise secure the compound;</p> <p>(d) install, use, and remove artificial lighting;</p> <p>(e) install, use, alter, divert, and remove services and utilities;</p> <p>(f) carry out drainage works and install, alter and remove temporary drainage systems;</p> <p>(g) erect, use, maintain, repair, reinstate and remove temporary scaffolds;</p> <p>(h) carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p>	Red

	and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.	
Ecological Mitigation Rights	<p>All rights necessary at all times for the purposes of or incidental to installing, creating, using, retaining, maintaining, inspecting and removing ecological mitigation measures including rights to:</p> <p>(a) trim or lop trees, bushes, crops and other vegetation such as hedgerows, and to retain, inspect & maintain the vegetation growth;</p> <p>(b) install and remove any equipment to allow mitigation to take place such as boxes and ecology fences/gates;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Purple
Ecological Mitigation Access Rights	<p>Rights to access the land, at all times, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of or incidental to installing, creating, using, retaining, maintaining, inspecting and removing ecological mitigation measures including rights to:</p> <p>(a) trim or lop trees, bushes, crops and other vegetation such as hedgerows, and to retain, inspect & maintain the vegetation growth;</p> <p>(b) install and remove any equipment to allow mitigation to take place such as boxes and ecology fences/gates;</p> <p>including rights to carry out works to facilitate access such as vegetation clearance, and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Turquoise
Drainage Rights	<p>All rights necessary, at all times, for the purposes of or incidental to carrying out de-watering and installing, retaining, altering, using, maintaining, inspecting, reinstating or removing land drainage systems, including rights to:</p> <p>(a) install, inspect and maintain suitable access and hard standing on the land;</p> <p>(b) take access over, enter and be on the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>(c) discharge water into existing drains and watercourses;</p> <p>(d) prevent the carrying out of any works, excavations or other activities which could reasonably foreseeably damage or interfere with the operation and maintenance of, the land drainage systems;</p> <p>(e) prevent any works on or use of the land that would prevent access to or maintenance of the land drainage systems, including the erection of any building or structure (whether temporary or</p>	Brown

	<p>permanent), or the storing or placing on the land of any goods, equipment or materials;</p> <p>(f) carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Overhead Line Rights	<p>All rights necessary at all times for the purposes of or incidental to the construction, retention, use, operation, protection, maintenance, repair, renewal, replacement, commissioning and decommissioning of the overhead electricity lines and associated infrastructure, including rights to:</p> <p>(a) enter and be on the land and adjoining land with or without personnel, vehicles, plant, machinery, apparatus and equipment including scaffolding, materials and personnel for such purposes;</p> <p>(b) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land);</p> <p>(c) remove, fell, trim, or lop trees, bushes, crops and other vegetation, including the removal of hedgerow;</p> <p>(d) carry out archaeological, environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>(e) prevent the carrying out of any works, excavations or other activities which could reasonably foreseeably undermine the stability, safety and integrity of, or damage or interfere with the operation and maintenance of, the overhead electricity lines;</p> <p>(f) prevent any works on or use of the land that would prevent access to or the operation and maintenance of the overhead electricity lines;</p> <p>(g) prevent the erection of any building or structure (whether temporary or permanent) or the planting or growing of any plant or tree within 5.3 metres of the overhead electricity lines when they are at a maximum temperature and/or maximum sag/swing;</p> <p>(h) prevent the erection of any building or structure (whether temporary or permanent) or the planting or growing of any plant or tree within or under any tower or within 15 metres from the centre of any tower without the written consent of the acquiring</p>	Green

	<p>authority (such consent not to be unreasonably withheld or delayed and which consent may be granted subject to reasonable conditions);</p> <p>(i) prevent the storing or placing within or under any tower or within 15 metres from the centre of any tower of any goods, equipment or materials whatsoever without the written consent of the acquiring authority (such consent not to be unreasonably withheld or delayed and which consent may be granted subject to reasonable conditions);</p> <p>(j) prevent the raising of the level of the surface of the land so as to make the distance between the level of the ground and the lowest conductor on the overhead line at any point of the span less than 7.6 metres;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Substation Visibility Splay Rights	<p>All rights necessary at all times for the purposes of or incidental to ensuring safe vehicular access and egress from the substations including rights to:</p> <p>(a) remove, fell, trim or lop trees, bushes, crops and other vegetation, including the removal of hedgerows;</p> <p>(b) prevent the erection of any buildings or structures, the placing or storage of any equipment or materials, the parking of any vehicles, the planting or growing of any trees, shrubs or other vegetation on, or the increase in the ground level of, the land, which would reasonably foreseeably restrict visibility of vehicles attempting to join the highway from the substations</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Yellow
Working Area Rights	<p>All rights necessary for the purposes of or incidental to the replacement and/or upgrading of overhead electricity lines and associated equipment, including rights to:</p> <p>(a) enter and be on the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>(b) remove, construct, install, replace, and modify overhead electricity lines and associated equipment;</p> <p>(c) test and commission the overhead electricity lines, conductors, electricity pylons and infrastructure within, on or over the land and to remedy initial faults and defects in them at any time prior to the</p>	Orange

	<p>date on which the line is energised and ready for commercial operation;</p> <p>(d) enter the land and carry out surveys and investigations, including intrusive and aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land);</p> <p>(e) carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>(f) carry out works required by the contractor by licences or consents.</p> <p>(g) remove, replace, fell, trim or lop trees, bushes, crops and other vegetation, including removal of hedgerows;</p> <p>(h) store and stockpile and where necessary use manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment;</p> <p>(i) carry out works to facilitate access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities;</p> <p>(j) fence, erect hoardings, or signage or otherwise secure the working area;</p> <p>(k) install, use and remove artificial lighting;</p> <p>(l) install, use, alter, divert, and remove services and utilities;</p> <p>(m) carry out drainage works and install, alter, or reinstate land drainage systems;</p> <p>(n) erect, use, maintain, repair, reinstate and remove temporary scaffolds,</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
<p>Working Area and Ecological Mitigation Access Rights</p>	<p>Rights to access the land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel land for the purposes of or incidental to the replacement and/or upgrading of overhead electricity lines and associated equipment, including rights to enter to:</p> <p>(a) be on the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p>	<p>Cross-hatched Green</p>

	<ul style="list-style-type: none"> (b) construct, install, replace, and modify overhead electricity lines and associated equipment; (c) test and commission the overhead electricity lines, conductors, electricity pylons and infrastructure within, on or over the land and to remedy initial faults and defects in them at any time prior to the date on which the line is energised and ready for commercial operation; (d) enter the land and carry out surveys and investigations, including intrusive and aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); (e) carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures; (f) carry out works required by contractors by licences or consent; (g) remove, replace, fell, trim or lop trees, bushes, crops and other vegetation, including removal of hedgerows; (h) store and stockpile and where necessary use manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment; (i) carry out works to facilitate access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; (j) fence, erect hoardings, or signage or otherwise secure the working area; (k) install, use and remove artificial lighting; (l) install, use, alter, divert, and remove services and utilities; (m) carry out drainage works and install, alter, or reinstate land drainage systems; (n) erect, use, maintain, repair, reinstate and remove temporary scaffolds, <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Construction and Ecological Mitigation Access Rights	Rights to access the land, at all times, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of constructing, installing, commissioning, inspecting, the overhead electrical lines,	Dark Grey

	<p>substation and associated infrastructure, and installing, altering or reinstating land drainage systems, and for the purposes of or incidental to installing, creating, using, retaining, maintaining, inspecting and removing ecological mitigation measures including rights to:</p> <ul style="list-style-type: none">(a) trim or lop trees, bushes, crops and other vegetation such as hedgerows, and to retain, inspect & maintain the vegetation growth;(b) install and remove any equipment to allow mitigation to take place such as boxes and ecology fences/gates; <p>and rights to prevent any works on or use of the land that would prevent such access from being taken.</p>	
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APPENDIX 4
CODE OF PRACTICE



Construction best practice for overhead line installation

Version 1

nationalgrid

This document sets out National Grid's approach to good practice when we carry out work to install, maintain and operate equipment on, over, in or under land and what you as landowner/occupier can expect.

The document also provides information on our duties as the owner of the national electricity transmission network.

We will adopt the best practice as set out in this document wherever it is possible and reasonably practicable to do so. If we cannot do so, we will always explain why. We will also always comply with all relevant legislation. This document does not affect any other rights or powers that you or we may have.

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Section 1

Before works commence

Route selection

The route a project takes will usually be selected following careful consideration of:

- the directness of possible routes
- how disruptive works may be to the local traffic, businesses and individuals
- ensuring that engineering considerations are met
- complete costs of the works which includes both the facilitation of works and reinstatement
- the locations of any existing underground and overhead equipment
- avoiding sites of archaeological and environmentally important sites
- environmental factors.

Land referencing

National Grid endeavours to identify all individuals and organisations that have an interest in land that may be affected by their proposed works. This is so we can keep you informed about the scheme and to ensure that the details of relevant property interests are included within a Book of Reference or Schedule of Interests. This document is submitted as part of our application and typically includes landowners, tenants, businesses and any individual who may have rights over land and/or property, as well as other interests such as mortgage companies.

In order for us to consult the people affected by our projects, we will send you a pre-populated Land Interest Questionnaire (LIQ) which sets out the information held by HM Land Registry. We will ask you to confirm the details that we hold are correct or ask you to make us aware of any additional interests that you believe are affected by the project. This information will also ensure that we keep you informed of progress of the project and will ensure that you have our contact information if you want to get in touch or have any questions about our proposals.

Consultation with stakeholders

With any of our proposals, we will always look to consult with all land interests to discuss works, obtain feedback and build positive relationships with affected parties. We understand that these schemes affect you and want to make every effort to ensure you are kept informed about what we are looking to do. During consultation, we would be looking to obtain further information on:

- landownership and occupancy (should this differ)
- any development proposals for the land which would include any plans for permanent structures or existing planning consents
- any known services, equipment of structures below ground
- whether the land has any special designations (e.g. sites of special scientific interest) or requirements such as public rights of way
- potential cropped and/or stocking of land
- land use and possible impact of proposed works.

Instructing an agent and surveyor's fees

National Grid encourage you to appoint an agent/surveyor to act on your behalf where we are seeking rights to carry out works on your property. An agent/surveyor will advise you on the process, your rights and will handle any compensation claims on your behalf.

National Grid will reimburse you for professional fees reasonably incurred in respect of all claims and advice on legal agreements in connection with associated land rights. More information on this can be found within our Payment of Surveyors Fees document.

Non-intrusive surveys

During the planning stages of our project, and in advance of any final routing decision, we undertake surveys over land so that we can understand any potential constraints to be considered in the project routing decision.

Walkover surveys, including ecological and archaeological surveys, will be undertaken in early project development. We will endeavour to agree access on a voluntary basis wherever possible, and landowners/occupiers will always be afforded as much notice as reasonably practicable before access is taken. An advance payment of compensation will be made to you to compensate any losses incurred as a result of surveys. Any further losses will be dealt with on a proven loss basis.

If we are unable to agree voluntary access, but we need to undertake particular surveys to inform design, a statutory notice may be relied upon.

Intrusive surveys

National Grid may drill boreholes or excavate trial pits in advance of the main construction work where they are necessary to establish ground, archaeological and/or geological condition. After consultation between the owner/occupier and National Grid, works will be carried out so as to cause the least practicable disturbance to the owner/occupier and in accordance with the National Grid Land Rights Strategy. Reasonable and provable compensation will be paid for any damage or disturbance caused.



Photographic record of condition

We will prepare a photographic record of condition where access is required for intrusive survey works. The record of condition will include any accesses and compounds that are proposed to be used by the scheme.

The record of condition may consist of written notes, photographs or video recordings. A copy of any record of condition will be shared with landowners/their agents before work on site begin. This will ensure an accurate record of the prior condition of land to ensure that land is reinstated appropriately.

Trees and hedgerows

It is always our last resort to lop or fell any mature trees, however if it is unavoidable, we will consult with landowners. If there is a tree preservation order on the tree or the location is within a conservation area, the appropriate authority will also be consulted, and any lopping or felling will be done to abide with their conditions.

Any works to hedgerows will also be discussed with landowners and occupiers, with any formal approvals to be requested from the local authorities. There will also be ecological surveys to ensure wildlife is not harmed or affected by the removal of hedgerows. Following completion of the works, these hedgerows will be replaced wherever possible.

Biosecurity, soil pests and diseases

National Grid, in conjunction with the landowner /occupier, will take such reasonable biosecurity precautions as may be necessary to avoid the spreading of pests and diseases having regard to the recommendations and guidance as prescribed by the appropriate agricultural government department. National Grid will also seek to agree reasonable precautions against the spreading of pests and diseases with any landowner or occupier prior to entry onto any land or property.

Straying livestock

National Grid aims to consult with landowners/ occupiers and ensure that all reasonable precautions are taken to prevent the straying of livestock onto working areas. National Grid will compensate the owner of livestock for all injury, death or loss arising where straying is due to any act or omission on our part, following the production of a report from a veterinary expert.

Protection and reinstatement of services

National Grid will aim to ensure that provisions are made to maintain existing services during the works. Where this is not possible and existing services are affected by our works, we will take all reasonable steps to reinstate the services to their previous condition once the works are completed.

Protection of water supplies

Locating existing water supplies is important to us; you may have knowledge of supply locations which we would be grateful if you could share with us. Having this information allows us to reduce the effects of our scheme and carry out reinstatement works.

If we interrupt or accidentally damage any water supplies or other services in the land, we will repair the damage and/or provide an adequate alternative as soon as reasonably practicable.

If there appears to be any possibility of disturbance of private water supplies such as wells or springs, we will arrange, and meet the cost of sample analysis to determine quality. The data, i.e. the levels in wells and flows from springs, will be recorded and agreed before the works commence.

Fishing and sporting rights

National Grid will take all reasonably practicable steps to protect fishing and sporting rights and will pay reasonable compensation for any loss or damage to such rights arising out of the construction of the works.

Poaching and dogs

National Grid will instruct their employees that they must not carry out poaching or bring dogs on to the working areas except as may be necessary for security or other reasonable purposes.

Continuation of normal farming activities

National Grid encourages the continuation of normal farming activities prior to commencement of the project's construction works. There is a possibility that works may not progress as originally envisaged and so continuation of normal practices is advisable to ensure you do not suffer any unnecessary losses.

Contact upon commencement of works

With any National Grid project, a programme is always discussed with landowners and occupiers to ensure that they are kept informed with progress on site. National Grid aim to provide at least 10 working days' notice to the landowners and occupiers along the route before entry is taken. Where it is reasonably possible to do so, National Grid will afford landowners and occupiers time to remove standing crops before access is taken in order to mitigate losses.



Section 2

During works

Tower construction

The construction of overhead lines usually begins with access to the tower locations. To do this, an access route will have been agreed to the tower location and if appropriate, trackway or a haul road will be laid from the nearest access point. Once set up, foundations for the tower will be constructed where new towers are being installed.

The tower will then be erected. It may arrive in prefabricated kits and will be assembled on site onto the foundations. Once the tower is assembled, the conductors (cables) will be pulled from a large drum and winched from tower to tower. For new overhead line projects, the engineering team will require access to every tower for the purpose of winching the conductors.

Construction access routes

Construction access routes will be installed from the nearest and/or most suitable access road to a tower construction area. Geotextile membranes, matting or trackways may be used over particularly sensitive areas. In peaty or soft saturated clay soils, where the use of geotextile membranes is not appropriate, low ground pressure vehicles and equipment will be used.

Soil management

To prevent any unnecessary damage to soils, all construction traffic will be restricted to designated access roads. Topsoil stripping will also be restricted to the width of access roads and construction areas of the project to minimise disturbance to soil and its structure.

Topsoil and subsoil will be stored separately to prevent mixing and will be reinstated in reverse order of excavation. The height of topsoil storage bunds will be restricted to minimise risks of compaction within the soil heap.

National Grid will endeavour to undertake works to both topsoil and subsoil in suitable weather conditions, for example, when not waterlogged.



Additional land areas

Sometimes, projects may require additional land areas for the following activities and facilities:

- storing portable cabins
- welfare facilities including portable toilets
- secure works compounds
- storage of plan and/or materials
- temporary access road
- road, rail and river crossings
- areas of difficult terrain
- additional surface cables in case of emergency only.

This land will only ever be used by the project in connection to their construction works. Should any additional land be required, landowners and occupiers will be consulted with. The location and extent of these areas will be agreed with the landowners and occupiers and may be documented by way of a separate lease or licence agreement which National Grid will draft and provide to you and/or your agent.

Fencing the working width

National Grid usually fence out their Construction Working Width to protect both members of the public and livestock. This also helps to avoid trespass. Unless otherwise agreed with the landowner/occupier, the method of fencing the Construction Working Width will be livestock -proof to ensure exclusion of any stock kept on the adjoining land. Where no livestock is kept, post and rope fences or wire may be used. National Grid will exercise reasonable care and undertake practical measures to avoid entry by trespassers.

Crossing points may be included within this fencing to facilitate the continuation of agricultural operations. The crossing points will be installed at appropriate locations to enable reasonable access across the Construction Working Width. All temporary fencing will be maintained throughout construction works until the land has been reinstated, unless otherwise agreed with the landowner/occupier.

Claims for crop loss, damage and disturbance

Reasonable and proper compensation for crop loss, damage and disturbance arising out of the construction works will be paid by National Grid on a proven loss basis.

Agricultural Liaison Officers (ALOs)

National Grid will usually appoint an ALO to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss any practical issues that might arise. They will usually be introduced to landowners and occupiers before construction commences.

Working hours

Core working hours are typically between the hours of 7am and 7pm Monday to Saturday and between 9am and 5pm on Sundays.

The nature of some of the activities means that these times and days may need to be extended occasionally for particular activities. For example, activities that require continuous 24-hour operations such as tunnelling, horizontal directional drilling and testing activities would require night-time working. Some deliveries and abnormal loads may be required outside of normal working hours. We will be sure to keep you informed of working hours specific to your property.

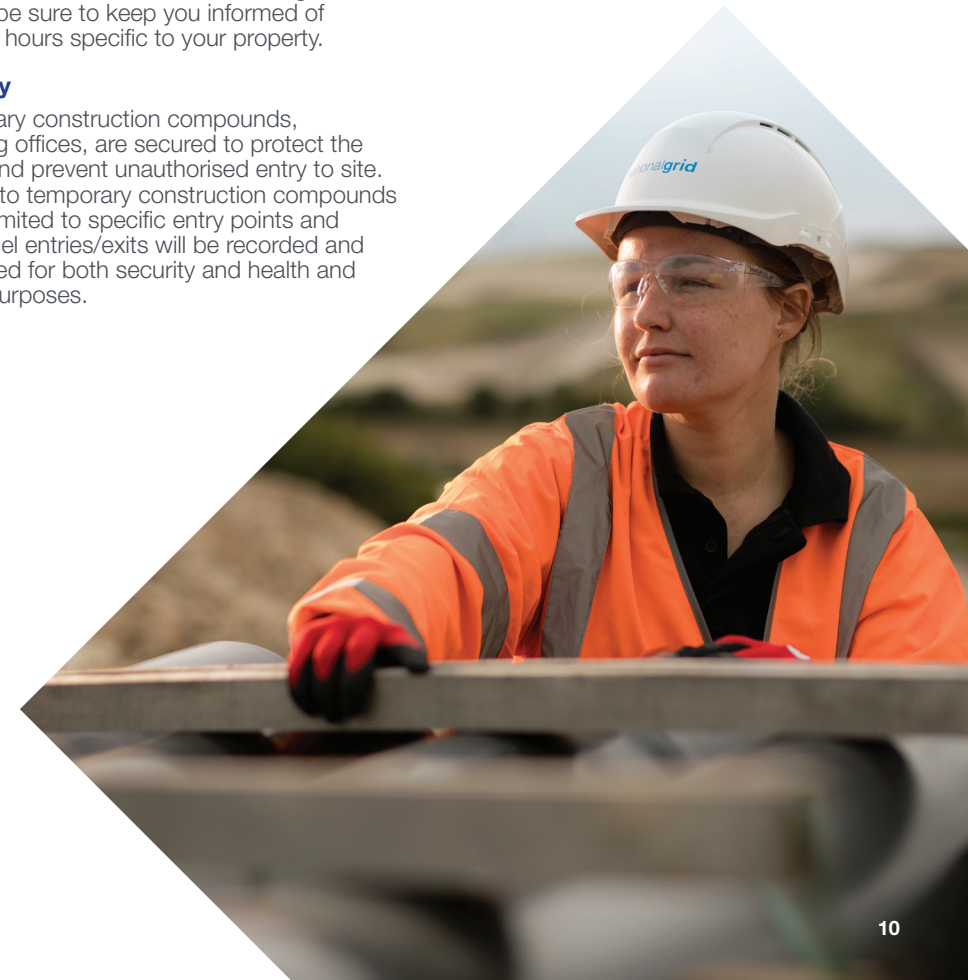
Security

Temporary construction compounds, including offices, are secured to protect the public and prevent unauthorised entry to site. Access to temporary construction compounds will be limited to specific entry points and personnel entries/exits will be recorded and monitored for both security and health and safety purposes.

Workers facilities and welfare

No living accommodation will be permitted on the construction site. Onsite welfare facilities will be provided for all site workers and visitors and these will be kept clean and tidy.

Where portable generators are used to provide electricity for welfare units, industry best practice will be followed to minimise noise and pollution.



Section 3

Post works completion

Reinstatement of roads

Private roads and footpaths will be made good to a condition equivalent to that existing before the commencement of the works.

Access trackways will be removed after construction. The geotextile membranes protecting the soils will also be removed and taken away from site.

Reinstatement of land

Agricultural land will be reinstated to the pre-works condition as far as reasonably possible. National Grid will reinstate effected land to the reasonable satisfaction of the landowner and occupier.

We will aim to reinstate topsoil during favourable weather conditions on appropriately contoured and prepared ground. The topsoil of agricultural land will be left in a loose, friable and workable condition and wherever possible, to its original depth over the whole working area. Subsoil will generally be loosened with an agricultural cultivator to an appropriate depth where the topsoil has been removed.

Reinstatement of field boundaries

National Grid will reinstate any fences and walls removed during construction and utilise appropriate materials for remediation activities. Hedges and hedgerow trees will be re-planted. Hedges will be replaced by whips protected by suitable fencing. National Grid will undertake ongoing hedgerow maintenance for 5 years post works or will agree a payment with the landowner as an item of claim within the full and final settlement.

Inspection and maintenance

Notice will be given to the landowner/ occupier for any subsequent entry required to the land for maintenance or inspection purposes, unless in the case of an emergency. Should any trees or hedgerows be planted in connection with the works, National Grid will commit to manage or pay for their maintenance until reasonably established.

Land management payments

National Grid will pay compensation for all reasonable and proven loss of Basic Payment Scheme (BPS) monies or payment of any other statutory land management support schemes unavoidably incurred where eligible land has been taken out of production during or after construction works. National Grid would expect any impact on BPS or similar scheme to be mitigated, where possible.

National Grid's projects may also impact on land entered into an environmental land management scheme. In these instances, National Grid will expect the landowner/ occupier to complete any necessary form, such as a derogation request, to mitigate the potential losses as a result of the construction works. National Grid will reimburse reasonable professional fees in connection with any necessary derogation request or similar completed as a result of construction works.

In accordance with the arrangements set out in this document, where required, National Grid will use reasonable endeavours to provide landowners and/or occupiers with information to assist in making BPS and any other similar applications.

Changes of ownership or occupation

National Grid maintain contact with landowners and occupiers of land crossed by their equipment to ensure accurate records are held to facilitate maintenance activities and protection of assets. Once a project has been completed, National Grid will provide their contact details so that landowners and occupiers can notify them of any changes in landownership or of any other interest changes connected to the land.

Protection of the easement strip

National Grid will carry out periodic inspections of their easements and will therefore require access to and along the easement strip. As such, the easement strip should be maintained in line with the terms of the deed of easement.

As built plans

Upon completion of the works, National Grid will serve a Completion Notice to the landowner which will include 'as built' plans.



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