

PROJECT

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

STATEMENT OF EVIDENCE

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Ali Raza Khan, and my current role is as a Lead Connection Engineer within National Grid. I have been with National Grid for 11 years and I am a member of the Institution of Mechanical Engineers. I have been a Chartered Engineer since 2019.
- 1.2 I am responsible for leading the development and costing of, and managing feasibility studies for, connection offers to facilitate customer investments/projects. I have been leading multi-disciplined investment teams for a portfolio of customer investments. As well as managing these investments, I am also responsible for managing the Front-End Engineering Design (FEED) works to ensure least cost, fit for purpose and safe delivery solutions are prepared in the initial phases of the investment before handing them over to the construction Project Manager.
- 1.3 I obtained a Master of Engineering (Hons) degree in Mechanical Engineering from Imperial College London and following graduation I joined the National Grid Engineer Graduate Scheme, which ran for 18 months. Upon completion of the graduate scheme, I acquired my first post in National Grid's Southeast Construction Team as a Project Officer (assistant project manager) where I was supervised and mentored to manage construction projects in the Electricity Transmission part of the business. In Project Management I acquired the Association for Proposal Management Professional (APMP) qualification and in Health & Safety I acquired the Institution of Occupational Safety and Health (IOSH) Managing Safely qualification. After two years of gaining the required skills, experience, and competencies I was promoted to Project Engineer (Project Manager) upon which I was solely responsible and accountable for managing the construction of projects. I managed a portfolio of high-profile construction projects for three years and then I decided to continue my career progression by moving upstream in the investment process as a Senior Development Engineer (SDE) where I developed large scale multicomplex projects in the pre-construction phase. Due to the various organisational restructures my role title changed from SDE to Lead Connection Engineer in October 2021. I am not only responsible for developing new NGET projects but also leading on connection offer proposals. Overall, I have been in this role for over four years.
- 1.4 I have been the project lead for the Little Horsted Connection Project since mid-2020. I took over the project at the stage when the Land Option Agreement for the substations was signed in May 2020. I managed the development of the project to ensure the required obligations set out in the connection agreement with the customer are met. This involved overseeing the Planning Application from pre-submission to post determination where the first set of initial planning conditions have been discharged; managing the FEED works to define the required scope, programme, and budget; producing the Project Execution Plan (PEP); compiling the main works tender documentation; overseeing the land acquisition for the substations; and overseeing the promotion of the Compulsory Purchase Order (CPO) for the Project. I will be handing the project over to the Construction Project Manager in due course with the main works contract to be awarded.

1.5 During my career, I have led two similar large-scale substation build projects; Littlebrook 400kV substation replacement and Rugeley 132kV substation replacement. For the Littlebrook project I was responsible for compiling the main works tender, producing the PEP, and compiling the Planning Application. I am proud to confirm that the new Littlebrook 400kV substation is constructed with the first set of circuit transfers completed. I am still actively involved with the Rugeley project, leading the solution ensuring the required technical, commercial and programme details are developed. I have been involved in ensuring the required land acquisition and rights are secured along with compiling the requirements for the Planning Application. Similarly, I will be handing this project over to the Construction Project Manager in due course.

2. **INTRODUCTION AND SCOPE OF EVIDENCE**

2.1 I have prepared this statement of evidence in support of the Little Horsted Substation Connection Project (“the Project”) Compulsory Purchase Order (“the Order”) that has been made by National Grid Electricity Transmission (“NGET”) to enable the construction of a new NGET 400kV Grid Supply Point (GSP) substation, a new 132kV South Eastern Power Network (“SEPN”) substation, which will be built adjacent and connected to NGET’s 400kV GSP substation, and associated modification works to the existing 400kV Bolney to Ninfield 4VM overhead electricity line.

2.2 The overriding test with which the Secretary of State must be satisfied in order to confirm the Order is whether there is a compelling case in the public interest to justify the proposed interference with the private rights of those who have interests in the land affected (“the Order Land”) (paragraph 12 of the Ministry of Housing, Communities and Local Government’s Guidance on Compulsory purchase process and The Crichel Down Rules (Updated February 2018)) (“the CPO Guidance”) (**CD A20**). Other considerations that need to be demonstrated to the satisfaction of the Secretary of State are set out in the CPO Guidance and considered further in my evidence, below.

2.3 My statement of evidence is set out as follows: -

- 2.3.1 **Section 1** - Outlines my qualifications and experience
- 2.3.2 **Section 2** - Introduces my statement of evidence
- 2.3.3 **Section 3** – Provides an overview of the roles of National Grid Group and National Grid Electricity Transmission (NGET)
- 2.3.4 **Section 4** – Provides a description of the Little Horsted Connection Project
- 2.3.5 **Section 5** –Sets out the need for and benefits of the Project
- 2.3.6 **Section 6** –Sets out the alternatives to the Project
- 2.3.7 **Section 7** - Outlines the land and rights required for the Project

- 2.3.8 **Section 8** – Summarises NGET’s land acquisition strategy and the status of negotiations at the time of writing this statement
- 2.3.9 **Section 9** – Explains how the Project will be delivered and funded
- 2.3.10 **Section 10** - Identifies the power under which the Order is made and explains NGET’s decision to make the Order to facilitate the Project
- 2.3.11 **Section 11** – Summarises the responses to the remaining objections to the Order
- 2.3.12 **Section 12** – Describes the careful consideration given by NGET to the human rights and equalities impacts of the Order
- 2.3.13 **Section 13** – Sets out my conclusions
- 2.3.14 **Section 14** – Sets out my declarations

3. NATIONAL GRID

- 3.1 National Grid (NG) is an energy company which operates in the UK and US. It delivers electricity and gas safely, reliably, and efficiently to customers and communities. In addition, NG is at the heart of transforming the energy system to ensure that clean, renewable energy can connect to our system.
- 3.2 There are currently six business units within the National Grid Group. I work in the NGET part of the group, and we work closely with the National Grid Electricity System Operator (NGESO) unit, as well as our Distribution Network Operator (DNO) customers, such as South Eastern Power Network (SEPN) who are part of the UK Power Networks (UKPN) Group.
- 3.3 NGET is one of three Transmission Owners in Great Britain. It owns the high voltage (mainly 400kV & 275kV with some 132kV) electricity transmission system in England and Wales. One of NGET’s obligations is to build and maintain the physical elements of the system safely, reliably, economically, and efficiently. By contrast, NGESO is responsible for safely operating and maintaining a balance of supply and demand on the system. In addition, the NGESO is responsible for managing the connection of users (power stations, generator, renewables, DNOs) onto NGET’s transmission system. Under NGET’s transmission licence granted by the Office of Gas and Electricity Markets (OFGEM), NGET is obliged to connect users wishing to connect to the system.
- 3.4 SEPN (part of the UKPN group) is one of NGET’s customers. It owns and operates the low voltage (mainly 132kV & below) electricity distribution network in the London and South East region. DNOs have similar obligations to NGET in relation to managing and maintaining safe and reliable regional distribution systems.

4. THE LITTLE HORSTED SUBSTATION CONNECTION PROJECT

- 4.1 The Project is described in detail in the statement of Mr David Cole, but in summary comprises of three principle elements; the construction of a new NGET 400kV Grid Supply Point (GSP) substation; a new 132kV SEPN substation, which will be built adjacent to NGET's 400kV GSP substation; and associated modification works to the existing 400kV Bolney to Ninfield 4VM overhead electricity line to enable the 400kV GSP substation to connect to it.
- 4.2 The 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 132kV SEPN substation to connect to it.
- 4.3 SEPN will install its own underground 132kV cables from its Lewes substation to connect its 132kV substation at Little Horsted. This element of the connection is not therefore within the scope of the Project.
- 4.4 The 400kV NGET GSP substation equipment and structures will be located within a secure compound of an approximate size, 180m x 310m. The SEPN 132kV substation will be constructed within a secure, fenced compound of a footprint of approximately 80m x 140m, located adjacent and west of the 400kV NGET GSP substation. Further detail of each required piece of infrastructure and equipment is listed out in section 3 of the evidence of Mr David Conway.
- 4.5 The works required to the existing overhead line are described in section 4 of the statement of evidence of Mr David Cole.
- 4.6 NGET developed a design for the Project for the purposes of seeking planning permission and promoting the Order. The design for the Project was informed by a wide range of surveys and assessments, which were commissioned by our ecological and FEED consultants. In addition, the wide range of intrusive and non-intrusive surveys were used to compile the Pre-Construction Information pack for the main works tender.
- 4.7 The appointed principal contractor will be responsible for further developing the detailed design, including matters such as precise overhead line alignment and substation micro siting, and the install, construction, testing, and commissioning of the 400kV equipment.
- 4.8 The Project has complied with Construction (Design and Management) Regulations 2015 (CDM) (**CD A12**). The health & safety of the Project has been managed throughout all stages of the Project (including the development, design, construction, and procurement) where sufficient time has been allowed for planning and coordinating the works, and the appropriate risks have been identified and are mitigated throughout the Project stages. These requirements have influenced the design and the areas required for construction, including but not limited to, working areas, compounds, and access roads.
- 4.9 The land and new rights proposed to be acquired within the Order are needed to enable the construction and operation of the Project as explained in detail in section 4 of the statement of

evidence of Mr David Cole, section 6 of the statement of evidence of Ms Amy Copping and section 4 of the statement of evidence of Mr James Ingram.

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

The Need for the Project

- 5.1 SEPN made a connection request to NGET on 18th November 2016 through the NGESO for the reinforcement of its 132kV network to maintain security of supply.
- 5.2 Under the Security and Quality of Supply Standards (SQSS), that triggered a requirement for a new GSP at Little Horsted, consisting of two Super Grid Transformers (SGT).
- 5.3 In accordance with NGET’s licence obligation, NGET subsequently made a connection offer via the NGESO to SEPN, and the offer was accepted on 10th May 2018.
- 5.4 The connection offer is a commercial contract that details the terms and conditions, including the required scope of works to be delivered by both parties; the key programme milestone dates that both parties need to work to and the costs for delivering the scope.
- 5.5 There are very limited exceptions to NGET’s obligation to make a connection offer upon request, none of which apply in the present case. As such, NGET was obliged to make a connection offer to SEPN following its request.
- 5.6 On 30th July 2019 SEPN submitted a modification application to the NGESO, requesting that the new substation should be designed such that two further 240MVA SGTs could be installed in the future to address the increased forecast demand in the local area.
- 5.7 SEPN anticipate the levels of local demand in the Lewes/Newhaven area to increase further due to demand for Electric Vehicle (EV) charging, flexible connections, and ongoing decarbonisation initiatives. The modification application was made in response to the increase in forecast demand.
- 5.8 The proposed substation and overhead line design for the Project allows the single busbar substation to be converted into a double busbar substation as required.
- 5.9 NGET provided a revised offer, again via the NGESO to SEPN, to allow the future development of two additional SGTs, which will be required to satisfy this increased demand capacity under the SQSS criteria, at Little Horsted. The connection offer was accepted on 5th November 2019.
- 5.10 The Project is therefore required to fulfil that offer.

Benefits of the Project

- 5.11 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), such as the Project.

NPS for Energy (EN-1)

- 5.12 The overarching NPS for Energy (NPS EN-1) (**CD A17**), sets out the Government’s policy for delivery of major energy infrastructure.
- 5.13 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 always need sufficient electricity capacity to meet demand and that electricity demand must be simultaneously and continuously met by its supply.
- 5.14 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.
- 5.15 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.
- 5.16 Paragraph 3.7.10 develops this point, noting that there is an *“urgent need for new electricity transmission and distribution infrastructure to be provided”*.
- 5.17 Paragraph 2.1.2 of the draft replacement EN-1 (**CD A21**) acknowledges that 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.
- 5.18 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.

NPS for Energy (EN-5)

- 5.19 The NPS for Electricity Networks Infrastructure (EN-5) (**CD A18**), together with EN-1, provides the primary basis for decisions taken on applications for electricity networks infrastructure.
- 5.20 The Government has recently published, and is currently consulting on, the draft replacement for the NPS on Electricity Networks Infrastructure (EN-5) (**CD A22**).
- 5.21 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”*.

5.22 The key benefits that will arise from the Project which are in-line with the National Policy Statement for Energy (NPS EN-1) (CD A17), and the NPS for Electricity Networks Infrastructure (NPS EN-5) (CD A18), are:

Meeting energy demand

5.22.1.1 SEPN forecasts from Q1 of 2024 onwards that in the Lewes/Newhaven area, which is close to NGET’s existing 4VM overhead line route, electricity demand will exceed 100MW. To comply with the SQSS criteria, 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.

Energy security/reliability of supply

5.22.1.2 Improving the resilience of the NGET and distribution system reduces the risk to consumer supplies under normal and abnormal operating conditions.

5.22.1.3 In addition, 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.

Whole life cost

5.22.1.4 As stated above, further future demand capacity is forecasted. The parts of the Project comprising the new GSP substation & overhead line sections are being constructed in such a way that the single busbar arrangement can be converted into a double busbar as and when required in future and this will all be accommodated within the boundary of the existing GSP substation so that no further land take will be required. In the long term this will be an overall cost-effective solution.

Conclusion on the need & benefits for the Project

5.22.2 SEPN initially applied to NGET for a demand capacity to reinforce its 132kV network by two SGTs. It subsequently requested that NGET designs its substation such that two further SGTs could be installed in the future to address the increased forecast power demand in the local area.

5.22.3 NGET is obliged under its license obligations to provide a connection offer to SEPN on request. NGET made a connection offer to SEPN that consisted of the construction of the two new substations (400kV & 132kV) and the overhead line modifications, and this was accepted on 5th November 2019. Therefore the Project is required to fulfil this offer.

- 5.22.4 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. The Project will meet the current and forecasted demand of energy, ensure the network is more resilient to provide secure and reliable energy where required and is affordable with the upfront investment for a long-term benefit.
- 5.22.5 There is therefore a compelling case in the public interest for the confirmation of the CPO.

6. ALTERNATIVES TO THE SCHEME

- 6.1 NGET’s regulatory duties in relation to developing and maintaining an economical and efficient National Electricity Transmission System (NETS) are set out in Section 9 of the Electricity Act 1989 (**CD A5.1**) as follows:
- 6.1.1 *“...develop and maintain an efficient, coordinated, and economical system of electricity transmission, and to facilitate competition in the supply and generation of electricity.”*
- 6.2 In developing its projects, NGET also has a duty Schedule 9 of the Electricity Act 1989 (**CD A5.5**) to consider amenity as follows:
- 6.2.1 *“...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest.”*
- 6.3 NGET’s ‘Approach to Options Appraisal’ (**CD F3**) describes a framework and references a list of topics that allows NGET to identify and balance technical, socio-economic, environmental, and cost considerations to help inform decisions around Project options.
- 6.4 As explained in more detail in section 7 of the statement of evidence of Mr David Conway, in order to identify a preferred site for the Project, NGET carried out a series of studies between 2018 and 2021, which followed the “Horlock Rules” (**CD F2**). The Horlock Rules provide guidelines for the design and siting of substations and substation extensions, which 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. The outcome of that process was that Plot 35 was selected as the preferred option.

Conclusion on the alternatives to the scheme

- 6.5 NGET’s regulatory duties in relation to developing and maintaining an economical and efficient National Electricity Transmission System (NETS) are set out in Section 9 of the Electricity Act 1989 (CD A5.1).
- 6.6 To support the identification of a preferred site for the new 400kV GSP substation and associated overhead line works, NGET carried out a series of studies between 2018 and 2021 which followed the “Horlock Rules” (CD F2).
- 6.7 After a thorough and rigorous site selection process and appropriate back checks and reviews as and when relevant new information became apparent, Site 3 (Plot 35) was identified as the most suitable, in comparison to other sites considered.

7. THE LAND AND RIGHTS NEEDED FOR THE PROJECT

- 7.1 The Order Land comprises all the land required for the construction, operation, repair, maintenance and decommissioning of the Project.
- 7.2 As explained in section 4 of the evidence of Mr James Ingram, 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 substation (Plot 35), and to mitigate the impacts of the new substations on the habitat of protected species (Plots 58a and 58b). In all other instances rights in land will be acquired rather than freehold acquisition.
- 7.3 As explained in section 4 of the proof of evidence of Mr James Ingram, NGET has sought to minimise interference by preparing bespoke packages of rights affecting different plots to limit the powers being sought to those required to facilitate the delivery of the Project.

Conclusion on land and rights required

- 7.4 As explained in section 4 of the evidence of Mr James Ingram and section 4 of the evidence of Mr David Cole, all the land and rights in land proposed to be acquired under the Order are required for the purpose of constructing, operating, and maintaining the Project. Importantly, NGET is taking a proportionate approach to compulsory purchase, in line with policy and guidance, and does not propose to acquire any land or rights beyond those that are reasonably required.
- 7.5 NGET has a clear idea of how it intends to use the land and rights over land that it is proposing to acquire as required by paragraph 13 of the CPO Guidance (CD A20). The extent of interference with private rights is necessary and proportionate.

8. ACQUISITION STRATEGY AND STATUS OF NEGOTIATIONS

- 8.1 NGET is committed to reaching voluntary agreement in respect of all land interests required for the Project, if possible, in accordance with the CPO Guidance.
- 8.2 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, aimed at securing permanent rights to protect the long-term lifespan of the infrastructure.
- 8.3 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.
- 8.4 Engagement with most owners and occupiers commenced in August 2020 in connection with requests for access to survey land to inform development of the Project design and have and will continue in parallel with promotion of the Order.
- 8.5 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 pylons and the impact on views. NGET considered this feedback during the evolution of the Project design and accommodated it by moving overhead line infrastructure further south within Plot 35.
- 8.6 The notice of exercising the Option Agreement on Plot 35 was issued 11th March 2022 and completion of the purchase took place on 11th April 2022 which enabled NGET and SEPN to acquire the freehold of the land required for the NGET GSP and SEPN substations.
- 8.7 Negotiations are ongoing with the owners of the remaining Order land which includes, but is not limited to, the owners of the ecological mitigation land, the drainage corridor, the overhead line diversion route and the temporary construction compound site. A detailed explanation of the status of the negotiations is available in section 6 of the evidence of Mr James Ingram's statement.
- 8.8 Notwithstanding the substantial efforts made to acquire interests in the land by way of voluntary agreement, at the date of making the Order, NGET has been unable to secure all those interests by negotiation. It was therefore necessary for NGET to seek a range of compulsory powers, to enable delivery of the Project.

Conclusion on acquisition strategy and negotiations

- 8.9 NGET has made determined efforts to engage and negotiate with landowners and has made very good progress in agreeing Heads of Terms for agreements. NGET has therefore demonstrated compliance with paragraph 2 of the CPO Guidance (**CD A20**).

9. PROJECT DELIVERY AND FUNDING (BUSINESS DECISIONS)

Project Delivery

- 9.1 NGET is part of the National Grid group of companies. 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.
- 9.2 NGET has extensive experience of building, operating, and maintaining linear infrastructure schemes including overhead electricity systems and substations.
- 9.3 By way of example, NGET has developed & delivered the following projects:
 - 9.3.1 Bulls Lodge 400kV substation; this is a new grid supply point substation that connects Network Rail demand capacity requirement.
 - 9.3.2 Barking 132kV substation; this is a grid supply point substation that connects London Power Networks, which is part of UK Power Networks.
 - 9.3.3 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.
- 9.4 The programme for the Project has been driven by SEPN’s requirement of meeting their power demand requirements by Q4 of 2024 and the power system access availability window (power outage window) of early Q2 of 2024, which allows the 400kV NGET GSP substation to connect to the NETS.
- 9.5 The following provides an overview of the delivery programme for the Project:
 - 9.5.1 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 by Q1 of 2023. At the time of writing, the preferred bidder has been selected with which ongoing negotiations will continue to take place leading up to contract award.
 - 9.5.2 Enabling ecological works commenced in Q2 of 2022 within the ecological season window and were completed in Q3 of 2022. These works involved the removal of vegetation and the installation of Great Crested Newts (GCN) fencing and Dormice boxes vegetation.
 - 9.5.3 Enabling archaeological works, which comprised of non-intrusive survey work and excavated trial trenches, also commenced in Q2 of 2022 and were completed in Q3 of 2022.

- 9.5.4 Post contract award, the principal contractor will conduct detailed design work, which will be required for the Project before the commencement of construction works, and place orders for the required substation and overhead line equipment.
- 9.5.5 It is anticipated that the principal contractor will commence construction activities by Q2 of 2023.
- 9.5.6 The construction period will be from Q2 2023 to Q4 of 2024 and this includes the commissioning & testing.
- 9.5.7 Therefore, it is important that NGET has the certainty that it will be able to access and acquire rights to all the land comprising the Project at the earliest possible opportunity, otherwise the carefully programmed construction timetable as well as the cost of delivering the Project will be put at risk, and the benefits of the Project delayed.

Planning Permission

- 9.6 As explained section 6 of the statement of evidence of Mr David Conway, NGET can make use of its permitted development rights as a statutory undertaker, and exemptions under Section 37 of the Electricity Act 1989 (“the 1989 Act”).
- 9.7 For the substation site, a planning application was submitted to Wealden District Council (WDC) on 19th March 2021 under reference WD/2021/0733/MAJ, and planning permission was granted on 12th November 2021 (CD C5).

Funding

- 9.8 NGET is responsible for designing, constructing, and financing the NGET 400kV GSP substation and modification to the existing 400kV Bolney to Ninfield overhead electricity line.
- 9.9 NGET is also responsible for the payment of compensation for the acquisition of land and rights required for the Project whether through voluntary agreements or the Compensation Code.
- 9.10 NGET investments inclusive of this Project are funded via Ofgem’s regulatory framework known as RIIO T2 (Revenue = Incentives + Innovation + Outputs).
- 9.11 As part of the RIIO-T2 price control determination, funding was provided for the Little Horsted Connection Project, and it forms part of NGET’s baseline allowance.
- 9.12 As noted above, NGET is part of National Grid. The ultimate parent and controlling company of National Grid is National Grid plc which has a primary listing on the London Stock Exchange and a secondary listing on the New York Stock Exchange. National Grid plc is a constituent of the Financial Times Stock Exchange (FTSE) 100 Index.

- 9.13 NGET has assessed the costs of implementing the Project and acquiring the necessary land and rights required to facilitate its delivery.
- 9.14 On 18th February 2020, the NGET board made a Pre-Works Sanction commitment (a positive Financial Investment Decision) to fund the Project to allow the required FEED, land acquisition, and surveys to take place including the support required for the planning application. This enabled the voluntary agreement and full purchase of Plot 35 as stated above.
- 9.15 With the Little Horsted Connection Project being in the baseline allowance for RIIO T2, the Financial Investment Decision as stated above, and having taken in to account the fundamental principles set out in the CPO Guidance (**CD A20**), the NGET Board took the decision to make the Order.
- 9.16 Financing for the Project, including the acquisition of land and new rights and the implementation of the scheme, will be managed from within the National Grid's own resources, credit facilities, and routine debt financing.
- 9.17 National Grid Plc has a strong credit rating, and the requisite funding is available to meet the construction and remaining land acquisition/compulsory purchase compensation costs associated with the Project as and when required (including any advance payments).

Conclusion on project delivery and funding

- 9.18 Planning permission was granted for the Project on 12th November 2021. NGET will otherwise be utilising the permitted development rights available to it and exemption under s37 of the Electricity Act 1989 as set out in the proof of evidence of Mr David Conway. Protected species licences have also been obtained for the ecological mitigation works (**CD F5**).
- 9.19 I am therefore confident there is no legal or physical impediment to the implementation of the Project as required by paragraph 15 of the CPO Guidance (**CD A20**).
- 9.20 NGET has assessed the costs of implementing the Project and the costs of acquiring the necessary land and rights over land required for the Project.
- 9.21 As part of the RIIO-T2 price control determination, funding was provided for the Little Horsted Connection Project, and it forms part of NGET's baseline allowances.
- 9.22 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).
- 9.23 Therefore, I consider that the criteria in paragraphs 13 and 14 of the CPO Guidance are satisfied.

10. POWER UNDER WHICH THE ORDER IS MADE AND DECISION TO MAKE THE ORDER

- 10.1 The Order was made pursuant to section 10 of, and schedule 3 to, the Electricity Act 1989 (“the Act”) (CD A5), and having regard to the Department for Housing, Communities and Local Government’s *Guidance on Compulsory Purchase process and The Criche Down Rules* (July 2019) (“the CPO Guidance”) (CD A20).
- 10.2 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.
- 10.3 NGET holds an Electricity Transmission Licence dated 28th September 2001 (“Licence”) (CD F1) 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.
- 10.4 Paragraph 1(1) of schedule 3 (CD A5.4) 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.”*
- 10.5 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.
- 10.6 As explained in sections 5 above, the Project is required to fulfil the connection application request from SEPN.
- 10.7 NGET needs to acquire the land and new rights needed for the construction, operation, and maintenance of the Project.
- 10.8 To help meet the Project programme outlined above, and in line with National Grid’s Land Rights Strategy, NGET is promoting a CPO to ensure that NGET can secure all land and rights required for the Project compulsorily, if voluntary agreement cannot be reached with all landowners and occupiers in time to enable the programme milestones to be achieved. The current programme for the Project is driven by customer demand and the availability of power outage windows with the programme delivery timelines as explained above.
- 10.9 If any landowner negotiations are ultimately not successful, the CPO will enable land and rights needed for the Project to be acquired to ensure that the Project can be delivered timeously and in full.

Conclusion on power under which the order is made and decision to make the order

- 10.10 NGET holds an Electricity Transmission Licence dated 28th September 2001 (“Licence”) (CD F1) granted by the Gas and Electricity Markets Authority under section 6(1)(b) of the 1989 Act. As such, it is empowered to promote a CPO to obtain powers to compulsorily acquire the land and rights required to enable NGET to carry on the activities authorised by its Licence to construct the Project. As explained in section 7, all the land and rights in land proposed to be acquired under the Order are needed for these purposes.

11. **RESPONSE TO OBJECTIONS**

- 11.1 At the time of writing and as explained in section 8 of the evidence of Mr James Ingram, five objections to the CPO are outlined. NGET has continued to negotiate with the objectors. NGET’s responses to the concerns raised by the objectors and the status of the negotiations with them are set out in appendix A and B to the statement of evidence of Mr James Ingram.

12. **HUMAN RIGHTS AND THE EQUALITY ACT CONSIDERATIONS**

Human Rights

- 12.1 Careful consideration has been given by NGET to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998 (**CD A6.1**).
- 12.2 Section 6 of the Human Rights Act 1998 (**CD A6.1**) 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 CPO Guidance (**CD A20**), which states that a compulsory purchase order should only be made where there is “a compelling case in the public interest”. The CPO Guidance (**CD A20**) makes it clear that an acquiring authority should be sure that the purposes for which it is seeking compulsory purchase 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 to the provisions of Article 1 of the First Protocol to the Convention, and in the case of dwellings, Article 8.
- 12.3 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...”.
- 12.4 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 done in accordance with the law. NGET & SEPN have already purchased the land required for the NGET and SEPN substations by voluntary agreement. The only other instance in which freehold acquisition is required is for ecological compensation as explained in section 4 of the evidence of Ms Amy Copping. The majority of the Order Land is proposed to be affected by new rights only.
- 12.5 The Order is being promoted in the public interest as required by Article 1 of the First Protocol and the public benefits have been explained in section 5.
- 12.6 I therefore consider that the making of the Order does not unlawfully interfere with the human rights of affected landowners because it is a necessary, justified, and proportionate course of action.

- 12.7 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.”
- 12.8 The Project was publicised, and consultation has taken place with the community and key stakeholders in the region. All those affected by the Order have been notified and have had the opportunity to submit objections. Those whose objections have not been withdrawn have the right to be heard at the forthcoming inquiry. It has been held that these statutory processes are following Article 6 of the Convention.
- 12.9 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.
- 12.10 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 to be installed, operated, and maintained.

Equality

- 12.11 In promoting these CPOs, NGET has had regard to the public sector equality duty in section 149 of the Equality Act 2010. The effect of that duty is to require public authorities, or bodies exercising public functions to have “due regard” to the need to:
- 12.11.1 Eliminate discrimination, harassment, and victimisation.
- 12.11.2 Advance equality of opportunity between persons who share a protected characteristic and those who do not share it.
- 12.11.3 Foster good relations between persons who share a relevant characteristic and persons who do not share it.
- 12.12 NGET has undertaken consultation and landowner engagement as part of its promotion of the Order. National Grid has taken account of the location of its proposed sites and considered receptors and effects on those receptors through its environmental appraisals and through engagement with affected persons. I do not consider that the Project will adversely affect any of the equality objectives set out in the Act.

13. CONCLUSIONS

- 13.1 As explained in section 8 NGET has made determined efforts to engage and negotiate with landowners and has made good progress in agreeing Heads of Terms for agreements.

I therefore consider that NGET has demonstrated compliance with paragraph 2 of the CPO Guidance (CD A20).

- 13.2 Section 6 of the Human Rights Act 1998 (**CD A6.1**) 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 CPO Guidance (**CD A20**), which states that a compulsory purchase order should only be made where there is “a compelling case in the public interest”. The CPO Guidance (**CD A20**) makes it clear that an acquiring authority should be sure that the purposes for which it is seeking compulsory purchase 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 to the provisions of Article 1 of the First Protocol to the Convention, and in the case of dwellings, Article 8.

- 13.3 As explained in section 12, 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 done in accordance with the law. NGET & SEPN have already purchased the land required for the NGET and SEPN substations by voluntary agreement. The only other instance in which freehold acquisition is required is for ecological compensation as explained in section 4 of the evidence of Ms Amy Copping. The majority of the Order Land is proposed to be affected by the acquisition of new rights only.

- 13.4 The Order is being promoted in the public interest as required by Article 1 of the First Protocol and the public benefits have been explained in section 5.

I therefore consider that the making of the Order does not unlawfully interfere with the human rights of affected landowners because it is a necessary, justified, and proportionate course of action (paragraph 12 of the CPO Guidance).

- 13.5 As explained in section 4 of the evidence of Mr James Ingram and section 4 of the evidence of Mr David Cole, all the rights and interests in land proposed to be acquired under the Order are required for the purpose of constructing, operating, and maintaining the Project and are reasonable and proportionate. NGET is taking a proportionate approach to compulsory purchase, in line with policy and guidance, and does not propose to acquire any land or rights beyond those that are reasonably required.

NGET has a clear idea of how it intends to use the land and rights over land that it is proposing to acquire as required by paragraph 13 of the CPO Guidance (CD A20).

- 13.6 As explained in section 9, 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).

Therefore, I consider that the criteria in paragraphs 13 and 14 of the CPO Guidance (CD A20) are satisfied.

- 13.7 As explained in sections 9 planning permission for the Project was granted on 12th November 202. NGET will otherwise be utilising the permitted development rights available to it and exemption under s37 of the Electricity Act 1989 as set out in the proof of evidence of Mr David Conway. Protected species licences have also been obtained for the ecological mitigation works.

I am therefore confident that the Project is unlikely to be blocked by any physical or legal impediments to implementation as required by paragraph 15 of the CPO Guidance (CD A20).

14. **DECLARATION**

I believe that the facts stated in this proof of evidence are true.



Ali Raza Khan

18 November 2022