

Land and Property

Guidance note on the use of National Grid Electricity Transmission land



nationalgrid

This document is for developers wishing to work with National Grid Electricity Transmission plc (NGET) to acquire rights over our land. It aims to explain our structure, approach and ways of working.

This Guidance Note will explain:

- the role of our Land and Property Team within National Grid;
- the process for securing rights over operational and non-operational land owned by National Grid Electricity Transmission plc (leasehold, freehold, interface agreement and/or cable rights);
- the high-level design principles for development of land in proximity to operational electricity transmission assets;
- common land constraints to be aware of;
- requirements in relation to planning applications and use of permitted development rights; and
- land rights and other considerations.

This guidance specifically relates to land owned by National Grid Electricity Transmission plc. All enquiries relating to the use of this land should be directed to Land and Property at the following email address:

NGETLandEnquiry@nationalgrid.com

This guidance is not specific to the land owned by National Grid Property Holdings. This land is managed by BNP Paribas Real Estate on our behalf. Any enquiries relating to the use of this land should be directed to their helpdesk at the following email address:

nationalgrid.helpdesk@realestate.bnpparibas

The developer will need to check with Land Registry to differentiate between land owned by National Grid Electricity Transmission plc and National Grid Property Holdings.

The process for securing a connection to the electricity transmission system is not covered by this guidance. For more information about how to secure a connection please visit the following website:

nationalgrid.com/uk/electricity-transmission/connections

Please refer to the Glossary of Terms at Appendix 1 for definitions of any technical terms used in this guidance.

Note

Please note that this document is for guidance purposes only, and you must always seek legal advice in connection with this process. This guide and/or any communication with National Grid does not constitute a binding agreement – this is always subject to written contract.

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Section 1

About National Grid

Who are we and what do we do?

National Grid lies at the heart of a transforming energy system, spanning the UK and the US.

Our business transports electricity safely, reliably and efficiently to millions of customers and communities. But we also drive change through engineering innovation and by incubating new ideas with the power to revolutionise our industry.

Our business comprises several entities including National Grid Electricity Transmission and National Grid ESO.

National Grid Electricity Transmission owns the electricity transmission network in England and Wales and National Grid ESO operates the electricity transmission system throughout Great Britain.

Local distribution companies, also known as Distribution Network Operators, then supply electricity at progressively lower voltages to homes and businesses. Our transmission network in England and Wales covers some 7,200km of overhead line, 690km of underground cable and 337 substations.

National Grid Electricity Transmission has a license to operate the electricity transmission network granted by OFGEM, the regulatory governing body. We are subject to the conditions contained in the license as well as several statutory and regulatory frameworks imposed to ensure the integrity of the national electricity infrastructure and ensure that the customer supply of electricity is always protected.

What does our Land and Property team do?

Land and Property manages our land estate in the UK on behalf of National Grid Electricity Transmission. The team is accountable for the safe and efficient management of this estate, which includes safeguarding some land for our future operational expansion. Land and Property also seeks to add value (including enhancement of social and natural capital), whilst always ensuring the operational integrity of our national electricity transmission system.

Land and Property is responsible for facilitating easements, interface agreements, leases and licences across this portfolio, and where appropriate divesting surplus sites.

This includes areas needed by:

- our connection customers wishing to connect to the electricity transmission system;
- customers connecting to the electricity distribution system through a Distribution Network Operator (DNO) asset;
- other utilities requiring land for temporary works compounds or cable easement rights; and
- other developers wishing to purchase land or land rights.

Land and Property manages the use of National Grid Electricity Transmission land through the 'Use of National Grid Land Process' which is detailed within Section 2 of this document. This process is designed to support developers whilst ensuring that the transmission of electricity is always protected.

In some cases, there are business separation requirements which limit the information which can be passed between the different entities that make up our business.

Many teams across our business work together to facilitate rights to use our land. These are described below:

- **Engineering:** this team is integral to confirming land is surplus to operational requirements and ensuring that the proposed uses of the site do not compromise security of supply or possible future expansion.
- **Operations:** the site occupiers of the operational land are an important stakeholder. Input from Operations is required for interface agreements for assets being installed on operational land and uses of adjacent non-operational land.
- **Customer Connections:** customers applying for a connection will engage with the Customer Connections team and may separately engage with Land and Property about leasing land. For legal reasons we are not able to link or 'bundle' land with a connection agreement.
- **Consents:** the National Consents team is responsible for obtaining consents for our infrastructure. The team is also responsible for reviewing any developer planning applications that affect our land and / or assets.
- **National Grid ESO:** this is the electricity system operator for Great Britain and is a separate entity from National Grid Electricity Transmission; a connection customer will hold a contract with National Grid ESO.
- **Asset Protection:** a service which allows developers to make enquiries about proposed development in proximity to our assets.
- **Land Regeneration:** this team will be consulted regarding a developer proposal to use our land. They will provide available information about the land condition of the area that the developer is seeking to use.



Section 2

National Grid land process

Before we can dispose of any land or grant any rights over our land, Land and Property have an obligation to first ensure that the land will not be required by the business for future operational reasons, for example for expansion of a site. The process to ensure all the relevant departments are consulted before a decision is made is summarised opposite.

The process to legally complete an Option (Steps 1-6) takes approximately six months but this excludes activities which are the responsibility of the developer, notably at Step 3 (Developer Design). The overall timescales for the process are dependent on the quality of the design submitted by the developer and the complexity of the site. Timescales may be longer when the number of enquiries is high. A fee will be charged to the developer for this activity.

Some of these steps are not always required. For example if a developer is entering straight into a lease or easement and does not require an option, then Optional Steps A and B will not be required.

Step 1: Developer enquiry

The developer should complete and return an enquiry form to Land and Property using this email address:

NGETLandEnquiry@nationalgrid.com

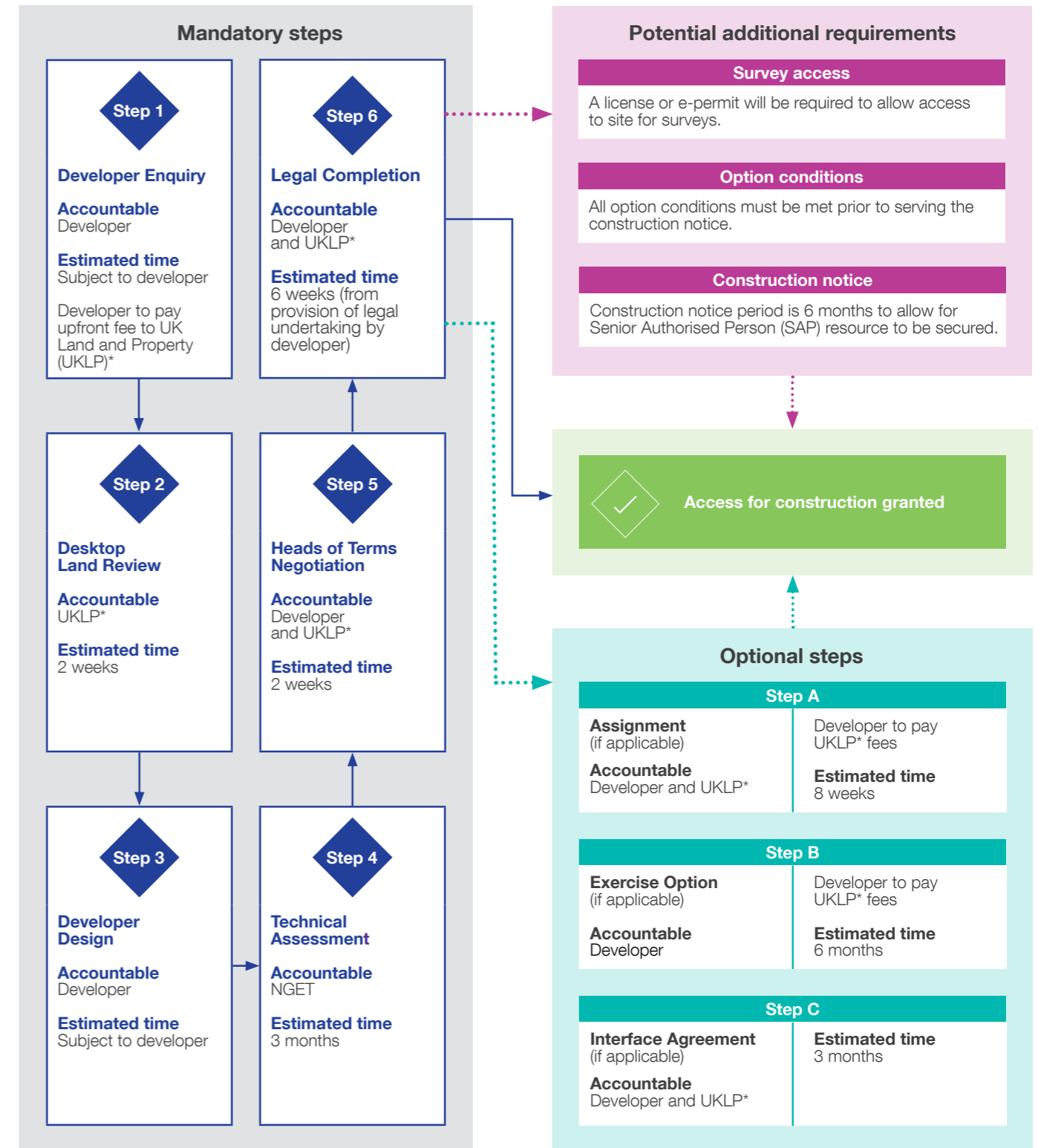
A copy of the enquiry form is included at Appendix 5. The form details additional documents which must be provided at the same time. These are:

- EAGLES reference number (obtained via National Grid Asset Protection service)
- layout plan
- evidence of a Line Search request
- evidence of connection opportunities from ConnectNow website (applicable only if the developer is also applying for a connection).

The form also provides details of the applicable fees for taking a site through the process.

Step 2: Desktop land review

On receipt of a completed form and fee, Land and Property will carry out a desktop land review. This review will confirm existing land rights such as Distribution Network Operator leases and current agricultural tenants. Our land agent will provide feedback on these constraints as a KMZ file so the developer can design their development accordingly.



*Service may be provided in house or by a Framework Supplier (including legal and surveying services)

Step 3: Developer design

At this stage, the developer works up their design taking account of the constraints identified through their own due diligence and from the desktop land review carried out at Step 2. The developer can attend a site visit with an engineer to look at general layout which should consider all the potential land constraints. Please refer to Section 5 of this guidance for more details of the types of land constraints that need to be considered.

The developer will be asked to provide further information prior to progressing to Step 4. This information comprises the following:

- site layout plan showing all permanent and temporary works including access routes
- site elevation plan showing permanent installations and temporary works
- detailed description of the proposed site use, including equipment to be installed and construction methodology
- cable easement drawing showing dimensions or permanent and temporary requirements
- timings and details of any planned surveys including: ecological, archeologic, vegetation, topographical, GPR, drainage surveys, soil investigations.

All drawings to be submitted as PDF and KMZ or CAD files.

Step 4: Land availability assessment

Our engineer will assess all the information submitted by the developer to ensure that our assets are protected from any permanent or temporary works and are accessible for maintenance. If the quality of the design does not meet our requirements the developer will be requested to re-design or provide additional information. This is likely to result in delays to the process.

Our engineer will also consult our National Consents team who will check consents records and any associated conditions and restrictions to ensure that these have been accounted for by the developer.

Our Land Regeneration team will also be consulted at this stage. They will provide available information about the land condition of the area that the developer is seeking to use.

During this step, our engineer will provide informal feedback to the developer as necessary. This will flag any issues or risks with the proposal as early as possible to allow the developer to make changes.

Once our engineer has completed the review, the proposal will be considered at a formal governance meeting to determine whether land clearance can be approved or not. Following this meeting, a formal response will be provided to the developer.

This response may be either:

- acceptance of proposal; or
- rejection of proposal (for example on grounds such as future operational need for the land or impact on existing assets); or
- acceptance of proposal with conditions (for example a requirement for the developer to work with restrictions such as reduced plot size or plot relocation).

If the proposal is rejected at this stage, the developer can return to Step 3 to make the necessary revisions to their application.

During Step 4 our land agent will commence informal land negotiations regarding the standard Heads of Terms. However formal land negotiations will not take place until the land availability assessment is complete and the proposal is accepted.

Step 5: Heads of Terms negotiation

Our land agent will formalise the negotiations with our standard Heads of Terms. At this stage we will seek an undertaking from the developer for reasonable legal costs we will incur.

Step 6: Legal Completion

Our appointed solicitor will progress the legal agreements and co-ordinate with the developer's legal firm through to completion.

However our solicitor can not commence work until the developer has provided an undertaking for our reasonable legal costs.

Optional Steps

Step A: Assignment (if applicable)

If a developer has secured an Option and wants to assign this to another legal entity an additional step will be required. This will require the developer to notify National Grid Land and Property to have the Option assigned.

Step B: Exercise Option (if applicable)

If a developer has secured an Option for a lease or easement then there will be an additional step required. The developer must liaise with National Grid Land and Property to ensure that all necessary conditions of the Option have been met. If so then the Option can be exercised and the developer can enter into the lease or easement.

Step C: Interface Agreement (if applicable)

If a developer is installing equipment within the high-voltage compound of a National Grid substation, on operational land, then an additional Interface Agreement must be entered into. This will supplement the lease or easement on the non-operational land.

Interface Agreements are required to govern the relationship on shared sites between National Grid and third parties. They govern ownership, shared use of assets, services or rights over land between National Grid and the third party.

Section 3 Our approach

Our Land and Property team will work collaboratively with developers in a way that is fair, but also commercial. We need to ensure that any disposal or grant of rights is in accordance with and does not contravene the terms of our Licence and statutory obligations as stated in the Electricity Act. Some specific principles are detailed below:

- a.** Priority will be given to safeguarding our current and future operational requirements and discharging our statutory duties.
- b.** All developers will be treated in a fair and consistent way including the application of land valuation principles. Disposal of land rights will be at market value.
- c.** A land parcel will only be confirmed to the developer on the completion of Step 4 (Land availability assessment) of the Use of National Grid Land Process. Any costs including those associated with a planning application submitted prior to this point are incurred at the developer's risk.
- d.** Land will only be safeguarded for 6 months after the completion of Step 4 (Land availability assessment). If Step 6 (Legal Completion) is not completed within this six month window, the land will no longer be safeguarded.
- e.** Land and Property will provide regular communication with developers throughout the process and will appoint a single point of contact for the developer.
- f.** Where as a result of the transfer of rights additional costs are incurred (such as increased wear on a shared access road) these will be passed on to the developer.
- g.** Our sites may have multiple developers seeking to acquire land rights simultaneously, some of whom may be our connection customers or Distribution Network Operator connection customers. Any proposals being considered at the same site will be looked at in conjunction with each other and a site strategy will be put in place which seeks to deliver all opportunities. This is a more complex scenario and may cause delay to the process.

Section 4 Land rights

It is a mandatory legal requirement for developers to secure the necessary land agreements and have all formal documentation completed before land is occupied.

The table below shows the types of land agreements that we will enter into with the developer and example scenarios when they may be appropriate:

	Example Scenarios
Freehold sales	We may consider the freehold sale of former operational land or surplus land adjacent to operational assets that is no longer required by the operational business. This land may still be subject to overhead lines or Distribution Network Operator equipment which will need to be protected by way of standard form easements necessary to preserve the integrity of the network.
Leases	Surplus land in the vicinity of a substation connection may be leased for developments such as battery storage or gas peaking plants on a 30 to 40 year basis.
Cable easements	Electricity generators such as solar farms may require an easement over non-operational land in order to connect into our substation or a Distribution Network Operator substation.
Temporary licences	Developers may require a temporary license for a construction laydown area or to carry out site investigations.
Option agreement	These are for easements or leases where land needs to be secured before a developer has achieved planning permission or a connection agreement.
Interface agreement	These are required in order to document assets being installed within the operational area of a substation. They govern ownership, shared use of assets, services or rights over land between National Grid and the third party.

Regulatory requirements

The legal documentation has several provisions needed to ensure that we meet the terms of our Licence and meet our core utility function. This includes:

- access and cable rights will need 'lift and shift' relocation provisions at the developer's cost; and
- obligations to reinstate including a reinstatement bond or rent deposit deed where appropriate.

Connection customers

National Grid Electricity Transmission owns land in the vicinity of both our substations and Distribution Network Operator substations. Developers wishing to obtain a connection may require an easement or lease over land managed by Land and Property. Where possible an Easement/Lease will be entered into directly with the developer. However, an option may be put in place while the developer secures a connection and/or planning consent. Options will typically be limited to 18 months with a potential opportunity to extend by 12 months.

Further details of the specific process and legal requirements for connection customers are set out at Appendix 2 (Lease and easement process for connection customers).

Third party land rights

If the developer needs to gain access to adjoining land or secure land rights from a third party, they must take responsibility for negotiating those rights. We have no statutory land rights over third party land which can be conveyed to the developer. Please refer to Section 8 regarding the use of permitted development rights.

Section 5 Land constraints

Each site in our portfolio has a unique history and set of constraints. Some of the common constraints to use of our land are described below:

Existing land rights

There is a variety of existing land rights on our land which may provide a constraint to development, details of which will be provided to the developer at the end of Step 2 (Desktop land review). The main land rights constraints across our portfolio are:

- **Agricultural Holding Act tenancies** - these provide security of tenure to the lessee with potential succession rights. A surrender of these tenancies is subject to specific clauses under the Act and the process to gain vacant possession can be lengthy. Compensation will have to be paid for any crop or business loss incurred by the agricultural tenant
- **Farm business tenancy** - generally we can recover vacant possession within 6 to 12 months. Compensation will have to be paid for any crop or business loss incurred by the agricultural tenant
- **Other utility wayleaves and easements** such as fibre, water and gas
- **Grazing licences** - vacant possession can be obtained at the end of a short-term licence
- **Title restrictions** - there may be general restrictions on the title which provide a constraint to development.

In addition, there may be Distribution Network Operator land rights which affect our land and present a constraint to development. To understand these, the developer should consult with the Distribution Network Operator to obtain an asset plan.

Planning conditions and constraints

There may be existing planning conditions or legal agreements relating to our land that may affect a proposed development that need to be considered, for example a condition requiring land to be retained as tree screening.

Our land may form part of the order limits of a Development Consent Order for a Nationally Significant Infrastructure Project, such as a large off-shore windfarm connecting to the electricity system. As a result, developers will need to understand the extent of the order.

The developer will need to undertake their own planning searches of our non-operational land to establish if such planning conditions or constraints exist. If any are identified, the developer should raise these with Land and Property.

Existing operational assets

The physical, security, safety and access requirements of our operational assets provide some practical limitations on development. Overhead lines, pylons and buried cables are likely to be present on our land and may be in our ownership or other parties such as Distribution Network Operators.

The developer is required to make an Asset Protection enquiry during Step 1 of the Use of National Grid Land process. This is to ensure that, at the outset, developers are fully aware of the presence of operational assets affecting the land that they want to use, and that these have been considered early in the design stage. Details of our Asset Protection service are provided at Section 6 of this guidance.

Developing or working on our land near operational assets raises several issues which require early consideration by developers. The developer must comply with our policies detailed at Appendix 3. Some of the key issues are detailed on the following page.

- **Operational fencelines**

For security reasons no buildings or structures that could provide a climbing aid will be considered if they are within 2m of the operational fence surrounding our operational land. Developers are required to provide a separate fenceline around their compound and cannot share our operational fenceline. Our engineers require unobstructed access along our operational fenceline to carry out routine security checks and maintenance work.

- **Overhead line conductors**

It is vital that appropriate safety clearances are maintained and the need to provide suitable access for future maintenance is considered when developers are designing proposals in proximity to overhead lines.

Safety clearances at specific locations will be dependent on several factors including the line's operating voltage, construction, topography and nature of the proposed development. For technical and amenity reasons we do not encourage built development immediately beneath overhead lines.

- **Pylons**

We need to have safe access for vehicles around pylons and development that restricts this will not be permitted. Excavations or permanent structures that might affect the foundations of a pylon will not be allowed. If development is proposed within 30m of the pylon base this will generally be discouraged and will need careful consideration depending on the nature of the development in this area.

- **Buried cables**

The presence of existing underground cables gives rise to specific safety requirements. The area immediately above and for a distance on either side must be kept clear of buildings, structures and tree/hedgerow planting.

If the developer is proposing to install direct buried cables as part of their development, there shall be a minimum separation of 500mm between the proposed cables and any existing adjacent assets or infrastructure. This is required in order to avoid electrical or thermal interactions between the cables and the adjacent infrastructure, and for safety reasons during construction works.

Access roads

Installing cables in substation access roads should be avoided so that access to our substations can be maintained 24/7. The use of access roads for cable installation will only be considered if:

- there is no evidence of a viable alternative option;
- there is sufficient space to accommodate the cables within the freehold;
- it can be demonstrated that 24-hour access to the substation can be maintained during construction; and,
- we have approved a cable engineering solution that confirms it is a viable option.

Cost alone will not be accepted as evidence that there is no viable alternative cable route option. In some circumstances, the developer will need to find an independent access route to the adopted highway for access and egress to their demise. This may require planning permission from the Local Planning Authority and agreement with third parties.

Where an access road is shared the tenant or purchaser will be required to contribute to upkeep and take a formal right of way deed.

Access through high voltage compounds will generally not be permitted except in circumstances where there is no alternative and then only during the construction period.

Future operational requirements

We may need to safeguard some areas of non-operational land for future operational reasons, for example to expand a substation to accommodate additional equipment. Land that has been safeguarded for this purpose will not be available for letting or disposal.

Biodiversity and natural capital

We have obligations to enhance biodiversity and natural capital on our land. While this does not preclude development, it may influence how the land is developed and its future use. If natural capital is being removed, reinstatement or enhancement may be required.

Developers will need to undertake their own searches for key environmental features on or near to our non-operational land which may affect the proposed development. Such features are likely to include:

- European, national and local level designations (for example Special Areas of Conservation, Ancient Woodland, Local Wildlife Sites);
- Tree Preservation Orders;
- Public Rights of Way;
- Protected Species Licences and;
- Pre-existing third party planning conditions

This is not an exhaustive list and it is for the developer to determine and understand the constraints conferred by such features.

Section 6

Asset protection and land access authorisation

We will not authorise or agree safe systems of work with developers and contractors but will advise on issues such as electrical safety clearances and the location of towers and cables via the National Grid Asset Protection team or Line Search facility.

Line Search provide search facilities for our assets so developers can:

- find out if it's safe to dig before they start
- find out where underground electricity cables and gas pipelines are buried
- report any works being planned

We will work with developers to minimise the impact of any operational assets that are nearby.

The developer is required to make an asset protection enquiry during Step 1 of the Use of National Grid Land Process. The contact details for this service are:

lsbud.co.uk

assetprotection@nationalgrid.com

0800 001 4282 (Asset Protection)

Authorisation to access National Grid land (E-Permit)

If the developer needs to visit site, to undertake surveys for example, they will need to agree this with us in advance through an authorisation process known as E-Permit. The link to request an E-Permit is provided below:

nationalgridlive.e-permits.co.uk

Further guidance on this authorisation process is included at Appendix 4.

Section 7

Environmental considerations

We recognise that the natural environment provides valuable benefits and services both for biodiversity and society. Ecosystem services such as climate regulation, flood control and pollination provide direct benefits that have an intrinsic value.

Developers must be aware of our environmental commitments when seeking to acquire rights over our land. It is important that the environmental impact of construction projects is minimised. Developers should ensure that impacts to natural assets, particularly those of high environmental value (biodiversity and/or natural capital), are avoided where possible, and where unavoidable, appropriate actions are taken to mitigate impacts and compensate for any natural asset losses including appropriate provisions for ongoing monitoring and management.

We are adopting best practice methods, such as the 'Natural Capital' approach that helps to place a value on the benefits and services that natural assets provide, taking into consideration the surrounding environment. We are committed to improving the natural environment on our non-operational land by 10% by 2026 against a natural capital and biodiversity baseline.

The recent introduction of the new Environment Act 2021 will require all new developments under the Town and Country Planning Act 1990 and Nationally Significant Infrastructure Projects (NSIPs) to deliver a minimum of 10% Biodiversity Net Gain (BNG), measured using the DEFRA Biodiversity Calculator, of which Net Gains must be secured and maintained for at least 30 years.

It is due to be mandated for all T&CPA developments in 2023 and 2025 for NSIPs. Until this time, the National Planning Policy Framework (NPPF) already requires local planning authorities to encourage developers to deliver measurable biodiversity improvements associated with their developments. In line with our commitment to improve the natural environment on our non-operational land by 10% by 2026, any developers who wish to use our land are encouraged to adopt the same environmental standards. This is to ensure that, where possible, natural asset losses in environmental value are avoided, mitigated and compensated for, within our landholdings.

We will meet and uphold the commitments set out in the Stakeholder, Community and Amenity Policy (see link at Appendix 3) to minimise, mitigate or compensate for impacts from development and seeking opportunities for enhancement. Our customers and other developers are expected to meet these standards when undertaking works on our land. If upholding these standards cannot be demonstrated, we will not progress with land negotiations or will request that the developer re-designs their proposal.

Developers should also consider root protection areas around existing trees in order to avoid damage to a tree's root system.

Land condition

Much of our land is brownfield land. It is important that developers are aware that previous use of the land may have had an impact on land quality, particularly if a previous use was industrial. As a responsible landowner, and to ensure the safety of all site users, we may restrict activities permitted under the lease or easement on a site-specific basis, for example limits on excavations.

We will provide available information about land quality and contamination that could affect the area that the developer is seeking to use during Step 4 of the Use of National Grid Land Process (Land availability assessment).

Section 8 Planning

Planning

If the developer requires planning permission for their proposed development on our land, the planning application must be reviewed by us prior to submission. In particular, the planning application boundary area should be minimised to avoid unnecessary areas of our land forming part of the application. It should also reflect the land agreement in place, or the Heads of Terms being discussed with us. Where this is not adhered to, we may object to the planning application.

Any draft conditions proposed by the Local Planning Authority relating to our land must be discussed and agreed in writing with us. We reserve the right to stop progression of a land enquiry if the developer enters into conditions or commitments relating to our land without prior written agreement.

Permitted development rights

The below provides guidance on the use of permitted development rights across our owned and controlled land under Part 15 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

- a. We have the benefit of using permitted development rights, which apply differently on our operational land and non-operational land. These rights have been bestowed specifically on us as a statutory undertaker and should not be used by other developers.
- b. Developers may be able to use their own permitted development rights by
 - i. holding a licence [generation or transmission] under the Electricity Act as a statutory undertaker; or
 - ii. holding a licence under the Gas Act 1986 to operate as a 'gas transporter'; and
 - iii. controlling the land (through acquisition or lease)
- c. If permitted development rights are not held or cannot be used owing to the type and location of the works, then planning permission must be obtained.
- d. Where the developer is seeking to class some or all their works on our owned or controlled land as "permitted development", our National Consents team should be consulted via Land and Property as soon as possible to confirm the position.

Section 9 Contact

For all enquiries regarding the use of our land, developers should use the email address below to contact the Land and Property team:

NGETLandEnquiry@nationalgrid.com

If the developer is unhappy with the service provided by Land and Property regarding their enquiry in the first instance this should be raised with the responsible Land and Property Manager. If necessary, this can be escalated to the Strategy and Commercial Lead - ET Property.



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