

IN THE MATTER OF THE NATIONAL GRID ELECTRICITY
TRANSMISSION (HARKER ENERGY ENABLEMENT PROJECT)
COMPULSORY PURCHASE ORDER 2023

**LETTER OF OBJECTIONS
ON BEHALF OF CASTLETOWN TRST LLP**

To the Secretary of State for Energy Security and Net Zero Transport c/o Department for Energy Security and Net Zero, Energy Infrastructure Planning, Level 3, Orchard 2, 1 Victoria Street, SW1A 0ET Transport Infrastructure Planning Unit, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR (e-mail: John.McKenna@energysecurity.gov.uk).

These are the objections of Castletown Trst LLP (“the Objector”) to the National Grid Electricity Transmission (Harker Energy Enablement Project) Compulsory Purchase Order 2023 (“the Order”) made by the National Grid Electricity Transmission Plc (“NGET”) on 28 September 2023. The following plot numbers identified in the land acquisition plans and the Schedule to the Order are those over which Access Rights, Overhead Line Rights, Construction Compound Rights or Earthing Rights, as the case may be, (together “the Rights”) are sought to be acquired from the Objector, namely Plot Nos. 266, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 286, 287, 290, 291, 295, 297, 298, 299, 301, 302 and 305 (“the Plots”).

The address of the Objector is c/o Landreeve Ltd, 13D The Stables, Sansaw Business Park, Hadnall, Shrewsbury, Shropshire SY4 4AS (e-mail: harrison.riddle@landreeve.co.uk).

The Objector uses the land over which the respective rights are said to be acquired for agriculture, wildlife reserves and nature conservation, and the Countryside Stewardship Schemes (“CSS”) under the Agriculture Act 2020 and/or the Countryside Stewardship (England) Regulations 2020 made under s.98 of the Environment Act 1995 (together “the CSS Rules”).

The CSS protects and enhances the natural environment by

- increasing biodiversity
- improving habitat
- expanding woodland areas
- improving water quality
- improving air quality
- improving natural flood management

The Objector has secured funding for fencing to establish a bison and beaver reserve (“the Reserve”) on its land including for that part of its land over which the Order seeks Rights.

The Reserve will create freshwater marsh areas, providing vital breeding habitat for migratory wading birds. Natural England and Forestry England have been involved at National Director level in the development of the proposals, and it is set to be one of the largest and most pioneering projects of its kind in the country. The Reserve’s progress will be monitored closely to help steer National Policy.

The Reserve will also support other species that are features of the following designated sites that affect this length of coast, such as barnacle and pink footed geese (SPA/SSSI features)

- Solway Firth Special Protection Area (SPA)

- Solway Firth Special Area of Conservation (SAC)
- Solway Firth Marine Conservation Zone (MCZ)
- Upper Solway Flats & Marshes Ramsar site
- Upper Solway Flats & Marshes Site of Special Scientific Interest (SSSI)

By reason of the above interests of the Objector, the Objector makes the following objections to the Order.

1. The use of compulsory purchase powers is unnecessary and no compelling case has been made to acquire all the Rights over the land specified in the Plots from the Objector as the same is not necessary for the Order as the project underlying the Order can be achieved without the acquisition of all of the rights over every Plot of the Objector's lands.

2. The Objector objects to acquisition of the Rights as following their acquisition and exercise by NGET and the erection of overhead lines and posts or pylons, the usual practice of NGET is the clearing, cutting or mowing of all vegetation under powerlines at intervals which practice is highly likely to breach the CSS Rules and render the Objector liable to payments being withheld, reduced or recovered.

3. The Objector objects to acquisition of the Rights, citing a direct conflict between NGET's operational requirements (including access for maintenance, upgrade, repair, alteration, inspection, and vegetation clearance near the powerlines) and the conservation objectives of the Reserve. The necessary encroachment by NGET onto the Reserve is anticipated to result in disruption and pose risks to both the fragile habitats and rare species that the Reserve is purposefully designed to sustain. This would create a significant burden for the Objector in managing any access

by NGET personnel needing to conduct activities, particularly due to heightened health and safety concerns owing to the presence of bison.

4. The Objector objects to the acquisition of the Rights as the same will seriously interfere with the proper management of deer and squirrels. The management of these species is crucial for maintaining ecological balance and ensuring the health of the sensitive habitat, as well as for farming and forestry reasons. Any disruption to the Objectors ability to manage the populations of deer and squirrels could have far-reaching negative impacts, potentially also imperilling the entitlement to necessary and important grants. Furthermore, the encroachment of NGET personnel on to land where these shooting activities take place introduces a significant health and safety risk, further reinforcing the incompatibility of the Rights with critical wildlife management activities.

5. The Objector objects to acquisition of the Rights as the Objector has plans for diversification schemes and initiatives in place on its land, including a wedding venue which has been granted outline planning consent (Carlisle City Council planning reference 23/0251), that will be inhibited by the exercise of the Rights being initiatives and schemes essential for the economic and environmental well-being of the Objector's use and management of the relevant land and for much needed employment opportunities in this rural area.

6. The use of compulsory purchase powers is unnecessary and no compelling case has been made to acquire the Construction Compound Rights as defined in the Order and the Objector objects to the taking of the Construction Compound Rights in respect of Plot 314 as these Rights are too widely drawn and are unspecified as to their precise extent within the relevant Plot and unspecified as to duration and contrary to the requirements

of specificity of and advice in paras 250-253 of the *Compulsory Purchase Process and the Crichton Down Rules: Guidance* (MHCLG July 2019).

7. The use of compulsory purchase powers is unnecessary and no compelling case has been made to acquire all the Rights sought to be acquired from the Objector as NGET has failed to minimise the acquisition of such Rights contrary to the advice in *Compulsory Purchase Process and the Crichton Down Rules: Guidance* (MHCLG July 2019). NGET has gone beyond what is necessary or essential.

8. Without prejudice to the other objections herein, NGET has failed to engage in any substantive way for the acquisition of the interests of the Objector and accordingly NGET has failed to show a compelling case.

9. In relation to section 17 of the Statement of Reasons, the scheme for the purposes of section 6A of the Land Compensation Act 1961 should be limited to that part of the defined 'Project' for which the Order authorises the acquisition of land or rights.

10. The period for the making of objects has been unreasonably short and the Objectors reserve the right to add to and call evidence on all relevant matters.

SIGNED:

A handwritten signature in black ink, appearing to be 'Nigel H. ...', written over a horizontal line.

DATED:

31/10/23