

NATIONAL GRID ELECTRICITY TRANSMISSIONS ("NGET")

GREEN BELT (LONDON AND HOME COUNTIES) ACT 1938

NOTICE OF INTENTION TO APPLY FOR MINISTERIAL CONSENT FOR THE INITIATION OF COMPULSORY PURCHASE POWERS FOR THE UXBRIDGE MOOR CONNECTION PROJECT ("THE NOTICE")

EXPLAINER / FREQUENTLY ASKED QUESTIONS

1. Why has NGET published the Notice?

NGET has published the Notice to comply with the requirements in section 6 of the Green Belt (London and Home Counties) Act 1938. This is because:

(1) NGET, in its capacity as a statutory undertaker, is preparing for the possibility that it may need to exercise compulsory purchase powers in order to take forward the Uxbridge Moor Connection Project on the land referred to in the Notice and accompanying plan; and

(2) the land referred to in the Notice includes land subject to the provisions of the Green Belt (London and Home Counties) Act 1938.

2. What is the Uxbridge Moor Connection Project ("the Project")?

The Project comprises the erection of 132kV and 400kV GIS substations (including six super grid transformers, gantries, office block, contractor compound, diesel generator, internal access roads, parking, drainage, lighting and cctv, permanent access road, bridge crossing, landscaping and biodiversity enhancement, and fencing) and ancillary works comprising the construction of short sections of new 400kV overhead lines (OHL) and associated equipment including pylons, the laying of new underground cables and temporary construction-phase OHL diversions and the removal of an existing third party 132kV OHL.

The new substations, which are principally required to meet demand associated with several signed customer connections to the west of Greater London, are to be located on the land referred to in the Notice immediately to the north-west of the existing Iver Substation, within the Iver Parish, Buckinghamshire.

3. What is the Green Belt (London and Home Counties) Act 1938 ("the 1938 Act") and what is its relationship with the modern green belt?

The 1938 Act was "*An Act to make provision for the preservation from industrial or building development of areas of land in and around the administrative county of London to confer powers for that purpose upon the London County Council and certain other authorities*".

The 1938 Act predates the modern town and country planning system and so modern green belt policy. It was intended to establish a form of green belt around London via a system of covenants and restrictions. However, it has effectively been superseded by the development plan-led town and country planning system introduced by the Town & Country Planning Act 1947 (which enabled land to be designated as green belt for the purposes of the development plan) and the national Green Belt planning policy first adopted by the Government in the 1950s and now contained in the National Planning Policy

Framework (the NPPF). Under modern green belt policy, development on land designated as green belt is regarded as inappropriate and should only be granted planning permission in very special circumstances.

When people refer to "the Green Belt" today, this is what they are referring to, rather than land to which the 1938 Act applies. Notwithstanding this, the 1938 Act has not been repealed. This means that any land that became subject to the 1938 Act continues to be subject to it. The requirements of the 1938 Act must therefore be complied with in relation to such land.

It should be noted that all of the land referred to in the Notice has been designated as green belt for the purposes of the planning system and so is subject to the planning policy protection referred to above, notwithstanding that some of it is also subject to the 1938 Act.

4. What does section 6 require?

Where land subject to the 1938 Act is proposed to be compulsorily acquired by a statutory undertaker such as NGET, section 6(1)(b) of the 1938 Act requires the relevant undertaker to obtain the consent of the Minister to the initiation of the compulsory purchase procedure.

Prior to applying for such consent, the undertaker must publish a notice of their intention in one or more local newspapers circulating in the locality. There is an associated (minimum 28 day) period for objections to be made to the initiation of the compulsory purchase procedure. A copy of the notice must also be served on certain local authorities.

The purpose of the Notice is therefore to fulfil these statutory requirements.

5. If Ministerial consent is granted pursuant to the Notice, will this mean that the Project can go ahead and that NGET can compulsorily acquire the land?

No, not without further consents being obtained.

The Ministerial consent required under the 1938 Act is purely for the limited purposes of that legislation (see Q4 above) and would not constitute either the grant of planning permission or a compulsory purchase order (CPO) for the Project. Accordingly, all other consents required for the delivery of the Project would still need to be obtained in the usual way and all relevant processes would need to be followed in this regard.

In particular, NGET will still need to obtain any planning permission that is required for the Project and, if a CPO is required, NGET will need to follow the relevant statutory process for the making and confirmation of a CPO. It should be noted that both the planning and CPO processes include periods of public consultation where objections to the same can be made and will be considered by the relevant decision-maker.

In this regard NGET has applied for planning permission for the new substations comprised within the Project and the planning application has been allocated reference PL/24/0449/FA by the local planning authority, Buckinghamshire Council ("the Council"). As at the date of the Notice, the planning application is still being considered by the Council. Further details about the planning application and associated documents are available on the Council's website – please see:

<https://pa-csb.buckinghamshire.gov.uk/online-applications/>

6. If Ministerial consent is granted pursuant to the Notice, does this change the land's status as green belt land (in the modern sense of the term)?

No. The Ministerial consent required under the 1938 Act is purely for the limited purposes of that legislation (see Q4 above) and does not change the land's status as green belt in the modern planning policy sense.

This means that the land remains subject to the green belt policy both in the local planning authority's local development plan and the NPPF and such policy will be considered as part of the determination of any planning application for the Project in the usual way (including the planning application referred to in Q5 above).

7. What relationship does the Notice have with Buckinghamshire Council's notice pursuant to the 1938 Act dated 29 September 2023?

None. Whilst the two notices include some of the same land, Buckinghamshire Council's notice dated 29 September 2023 relates to a different area of land, is to meet a different requirement of the 1938 Act and is completely unrelated to the Project.

8. Will Buckinghamshire Council need to publish a notice under the 1938 Act in relation to the land required for the Project?

No, not if NGET proceeds to acquire the land required for the Project compulsorily.

However, whilst NGET is preparing for the possibility that it may need to exercise compulsory purchase powers in order to take forward the Uxbridge Moor Connection Project, in accordance with CPO guidance, NGET is also attempting to engage in discussions with all known owners and occupiers of the land required for the Project, with a view to acquiring the land and new rights needed for the Project by agreement if at all possible. This includes Buckinghamshire Council as the principal landowner.

The Council land required for the Project is subject to the 1938 Act. In its capacity as landowner, the Council must comply with the requirements of section 5 of the 1938 Act before it can sell the land to any third party, including NGET. This means that, in order to proceed with any voluntary sale to NGET, the Council would first need to publish a notice pursuant to section 5 of the 1938 Act as part of the process of obtaining the requisite Ministerial consent under that section. This would be a separate statutory process (and form of Ministerial consent) to that which the Notice relates.

Accordingly, it may be the case that, in due course, the Council will publish its own notice under the 1938 Act in relation to the Project but this would be to fulfil the requirements of a different section of the 1938 Act to the Notice to enable the land to be sold voluntarily.

National Grid Electricity Transmission Plc

31 May 2024