
THE ELECTRICITY ACT 1989

AND

THE ACQUISITION OF LAND ACT 1981

**THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (GRAIN TO TILBURY)
COMPULSORY PURCHASE ORDER 2024**

STATEMENT OF REASONS

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1. INTRODUCTION

- 1.1 National Grid Electricity Transmission Plc (company registration number 02366977) ("**NGET**") has made The National Grid Electricity Transmission Plc (Grain to Tilbury) Compulsory Purchase Order 2024 ("**the Order**") under Section 10 of the Electricity Act 1989 and Schedule 3 of the Electricity Act 1989 ("**the 1989 Act**") and the Acquisition of Land Act ("**the 1981 Act**").
- 1.2 This Statement of Reasons is a non-statutory statement provided in compliance with the Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase Process October 2024 ("**the Guidance**") and is not intended to constitute the Statement of Case that NGET will be required to prepare in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007, in the event of an Inquiry into the Order.
- 1.3 If confirmed by the Secretary of State for Energy Security and Net Zero ("**the Secretary of State**"), the Order will authorise NGET to purchase compulsorily the land and new rights in land required for the replacement of a tunnelled section of the Tilbury to Grain and Tilbury to Kingsnorth 400kv circuits under the River Thames by the construction of a new tunnel under the River Thames through which the electricity cables will run. In addition, associated new infrastructure is proposed either side of the River Thames in Tilbury and Gravesend comprising two Sealing End Compounds ("**SECs**") which would contain two new tunnel headhouse buildings and two new gantries, new and diverted overhead lines to connect to each of the new SECs, for which NGET has an Electricity Transmission Licence. The Order will also facilitate the decommissioning of existing overhead lines and towers. The tunnel and associated new infrastructure and works are described in more detail in section 3 below and is referred to as the Project ("**the Project**") in this Statement of Reasons. The Plans at **Appendix 1** show an overview of the tunnel and its acquisition corridor, as well as the profile of the tunnel and its protection zone.
- 1.4 In this Statement, the land which is the subject of compulsory purchase powers is referred to as the "**Order Land**". The Order Land is described in section 7 of this Statement and is shown edged red and shaded pink (land subject to freehold acquisition) and edged red and shaded blue (land subject to the acquisition of new rights) on the Order maps which form part of the Order ("**Order Maps**").
- 1.5 The Order also contains a Schedule of Interests which identifies those persons with an interest in land affected by the Order.
- 1.6 This statement includes the following sections:
- 1.6.1 **Section 2** identifies the powers under which the Order was made;
 - 1.6.2 **Section 3** provides a description of the Order Land and of the proposals for the use of the Order Land;
 - 1.6.1 **Section 4** explains the purpose of the Order;
 - 1.6.2 **Section 5** sets out the consents required to deliver the Project;
 - 1.6.3 **Section 6** explains the site selection process undertaken by NGET and alternatives considered;
 - 1.6.4 **Section 7** provides details of the land and new and rights to be acquired under the Order;
 - 1.6.5 **Section 8** sets out NGET's approach to and progress in acquiring the land and new rights in the Order Land by agreement and explains why the Order is necessary;
 - 1.6.6 **Section 9** covers other special considerations that apply to the Order;
 - 1.6.7 **Section 10** explains how the Project will be delivered and funded;

- 1.6.8 **Section 11** justifies the use of compulsory purchase powers, and sets out their compatibility with the Human Rights Act and the European Convention on Human Rights and the Equality Act;
- 1.6.9 **Section 12** sets out the reasons for incorporating the Mining Code;
- 1.6.10 **Section 13** provides a statement regarding the extent of the scheme for the purposes of assessing compensation in a 'no scheme' world;
- 1.6.11 **Section 14** provides a conclusion to this Statement of Reasons;
- 1.6.12 **Section 15** explains where those interested may find further information; and
- 1.6.13 **Section 16** sets out a list of documents which NGET may rely upon as part of the confirmation process for the Order.
- 1.7 This Statement sets out NGET's justification for promoting the Order and explains why there is a compelling case in the public interest for the confirmation of the Order.
- 1.8 A Glossary of terms can be found in **Appendix 2** to this Statement.
- 2. POWERS UNDER WHICH THE ORDER WAS MADE**
- 2.1 Pursuant to section 9(2) of the 1989 Act, the holder of a licence authorising them to participate in the transmission of electricity is charged with the duty *"to develop and maintain an efficient, co-ordinated and economical system of electricity transmission."*
- 2.2 NGET holds an Electricity Transmission Licence ("**Licence**") granted by the Gas and Electricity Markets Authority under section 6(1)(b) of the 1989 Act. As such, it is empowered to exercise powers of compulsory acquisition.
- 2.3 NGET owns the high voltage electricity transmission network in England and Wales and operates the transmission system across Great Britain.
- 2.4 The Order was made pursuant to section 10 of, and schedule 3 to, the 1989 Act, and having regard to the Guidance.
- 2.5 Section 10 of the 1989 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.
- 2.6 Paragraph 1(1) of schedule 3 provides that:
- "the Secretary of State may authorise a licence holder to purchase compulsorily any land required for any purpose connected with the carrying on of the activities which the licence holder is authorised by the licence to carry on."*
- 2.7 Paragraph 1(2) of schedule 3 to the 1989 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 new rights similar to an easement and "restrictive rights", akin to restrictive covenants.
- 2.8 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 and reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement (paragraph 12.3 of the Guidance).
- 2.9 There are a number of general considerations set out in the Guidance that NGET needs to demonstrate to the satisfaction of the Secretary of State. These include that:

- 2.9.1 Reasonable steps should have been taken to understand the impacts of the exercise of the powers on those with an interest in the land through direct engagement and attempt the acquisition of all the land and rights in the order by agreement (paragraph 2.2 of the Guidance). In this respect there should be evidence that negotiation and engagement have been undertaken (paragraph 17.8 of the Guidance). Section 8 below of this Statement sets out the engagement that has taken place to understand the impacts, and the attempts that have been made to acquire the land and rights by agreement;
- 2.9.2 NGET has a clear idea of how it intends to use the land (or new rights over land) which it is proposing to acquire (paragraph 13.3 of the Guidance). This is addressed in section 3 below of this Statement;
- 2.9.3 All necessary resources are likely to be available to achieve that end within a reasonable timescale (paragraph 13.3 of the Guidance) and that the interests of those affected by the order have been considered (paragraph 13.4). Substantive information should be provided as to sources of funding and the timing of that funding (paragraph 14.1). This is addressed in section 10 below of this Statement;
- 2.9.4 The implementation of the scheme following the confirmation decision being made is unlikely to be blocked by any physical or legal impediments (paragraph 15.1). These include:
 - 2.9.4.1 the programming of any infrastructure works which may be required; and
 - 2.9.4.2 any need for planning permission or other consent or licence. This is addressed in section 5 below of this Statement;
- 2.9.5 The purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected and that consideration has been given to public sector equality duty. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the Convention for the Protection of Fundamental Rights and Freedoms (paragraph 12.4 of the Guidance). This is addressed in section 11 below of this Statement.
- 2.9.6 Additional tests must be satisfied where special kinds of land are proposed to be acquired. These are addressed in section 9 below.

3. **DESCRIPTION OF THE PROJECT AND THE ORDER LAND**

The Order Land

- 3.1 The Order Land spans both sides of the River Thames at Tilbury in Thurrock and Gravesend in Kent and includes land on the banks of the river and the riverbed.
- 3.2 The land on the north side of the River Thames at Tilbury, principally comprises scrubland, hardstanding, parking and private access roads, areas on the banks of the River Thames, and part of an existing electricity substation site which is let to NGET. The land is unoccupied, other than the existing NGET land, and an area which is currently used informally by Hyundai within Plot 4/13.
- 3.3 The land on the south side of the River Thames includes land owned by the RSPB, the majority of which is let to the Mayor's Office for Policing and Crime and used as a rifle range. It also includes a private access road, known as the Thames and Medway Canal Towpath, along which a public footpath and a cycle route run.

The Project

- 3.4 The Project comprises the boring of a new tunnel under the River Thames approximately 2.2km long to house and carry 12 new cross-linked polyethylene ("**XLPE**") cables.
- 3.5 It comprises the following above ground infrastructure at both ends of the tunnel:
- 3.5.1 a new sealing end compound ("**SEC**");
 - 3.5.2 new tunnel head house (covering the shaft into the tunnel);
 - 3.5.3 new overhead line gantry structure which will connect the OHL downlead conductors and transfer them to six sealing end structures at both ends of the tunnel; and
 - 3.5.4 modifications to the existing overhead line ("**OHL**") to enable the new OHL conductors will be connected to the existing 400 kilovolt ("**kV**") OHL conductors via new terminal pylons. The old OHL conductors and existing pylons will be either replaced, refurbished or removed.
- 3.6 The Project will in turn connect into two existing 400KV overhead lines known as Kingsnorth to Tilbury (A785) and Grain to Tilbury (A784) which is proposed to be refurbished as part of a separate package of works once the Project has completed.
- 3.7 NGET has had regard to the Construction (Design and Management) Regulations 2015 ("**CDM**") in its design of the Project. CDM ensures health and safety is coordinated and managed throughout all stages of a construction project (including during the development, design, construction and procurement stages) to reduce the risk of harm to those who will build, use and maintain structures. These requirements have influenced the design and the areas required for construction, including but not limited to, compounds and access roads.
- 3.8 The component parts of the Project are described in more detail below: -
- Tilbury Sealing End Compound ("**SEC**")
- 3.9 The SEC will contain the equipment required to transition the cables out of the tunnel and up onto to the overhead lines supported by pylons. The Tilbury SEC will contain:
- 3.9.1 12 new XLPE cables.
 - 3.9.2 12 new cable terminations (polymeric).
 - 3.9.3 12 new cable support steel structures with buried concrete foundations.
 - 3.9.4 Concrete surface troughs for new cables.
 - 3.9.5 1 water tank for firefighting purposes
 - 3.9.6 6 Surge Arresters for protection of underground cables.
 - 3.9.7 6 earth switches.
 - 3.9.8 1 OLH gantry for the connection on OHL and Cable sealing ends.
 - 3.9.9 Tilbury headhouse.
- Tilbury Tunnel Headhouse
- 3.10 The Tilbury headhouse will be situated within the Tilbury SEC. The purpose of the headhouse is to allow controlled safe and secure access into the tunnel shafts; provide enclosure for ventilation fans and equipment to regulate the temperature in the tunnel; to locate mechanical and electrical equipment and to house control equipment for the cable circuits.

- 3.11 The headhouse will accommodate:
- 3.11.1 Office space for maintenance engineers, welfare facilities, parking and electric charging points for vehicles.
 - 3.11.2 Low voltage equipment to manage the building and tunnel systems and ventilation systems for the tunnel.
 - 3.11.3 Communication systems between headhouses
 - 3.11.4 Tunnel shaft access via a staircase but with space for a lift
 - 3.11.5 Storage for spares and fibre optics communication cables

Gravesend Sealing End Compound ("SEC").

- 3.12 The SEC will contain the equipment required to transition the cables out of the tunnel and up onto to the overhead lines supported by pylons. The Gravesend SEC will contain:
- 3.12.1 12 new XLPE cables;
 - 3.12.2 12 new cable terminations (polymeric).
 - 3.12.3 12 new cable support steel structures with buried concrete foundations.
 - 3.12.4 Concrete surface troughs for new cables.
 - 3.12.5 1 water tank for firefighting purposes
 - 3.12.6 6 Surge Arresters for protection of underground cables.
 - 3.12.7 6 earth switches.
 - 3.12.8 1 OLH gantry for the connection on OLH and Cable sealing ends
 - 3.12.9 Gravesend headhouse.

Gravesend Tunnel Headhouse.

- 3.13 The Gravesend headhouse will be situated within the Gravesend SEC. The purpose of the headhouse is to allow controlled safe and secure access into the tunnel shafts; to locate mechanical and electrical equipment and to house control equipment for the cable circuits. It will accommodate:
- 3.13.1 Office space for maintenance engineers and welfare facilities and access to shaft via a staircase.
 - 3.13.2 Low voltage equipment to manage the building and tunnel systems.
 - 3.13.3 Communication systems between headhouses and ventilation systems for the tunnel.
 - 3.13.4 Parking and electric charging points for company vehicles
 - 3.13.5 Storage for spares and fibre optics communication cables for NGET purposes only.

Decommissioning of overhead electricity lines.

- 3.14 The decommissioning of existing overhead lines part of the project involves:

- 3.14.1 Removal of nominated OHL towers;
- 3.14.2 The construction of temporary road and crane pad to facilitate the removal by crane; and
- 3.14.3 The felling and removal of de-commissioned OHL cables.

New overhead electricity lines.

- 3.15 The new overhead line element of the project comprises:
 - 3.15.1 Installation of new OHL tower aligned with new Tilbury SEC;
 - 3.15.2 Installation of new OHL tower aligned with new Gravesend SEC;
 - 3.15.3 Temporary works to enable construction, operation and movement of cranes; and
 - 3.15.4 Construction of new OHL cables from new tower to existing tower within Tilbury substation.
- 3.16 The distance in metres to be kept from the foundation of the towers when undertaking any works or placing equipment, as well as the clearance from the conductors of overhead lines and the ground or any structure on the ground will be determined by NGET's "*Third-party guidance for working near National Grid Electricity Transmission equipment*" technical guidance note 287.

New cable tunnel.

- 3.17 During construction and operation of the Project, the area-coloured yellow on the Plan at **Appendix 1** will be used for but not limited to:
 - 3.17.1 a new cable tunnel (to be constructed between the two shafts and using a tunnel boring machine) which will be approximately 2.2 km in length from headhouse to headhouse, 4m in internal diameter (4.5m external diameter), with six cables per circuit at a depth of not less than 20 metres (measured from ordnance datum).
 - 3.17.2 12 XPLE 400 KV Cables (6 each circuit).

Tunnel Protection Zone of Influence

- 3.18 The tunnel protection zone of influence will be a zone surrounding the new cable tunnel for the purposes of safeguarding that area from third party interference to protect the structural integrity of the cable tunnel. It is shown shaded green and referred to as the Tunnel Development Exclusion Zone in the inset box on the Plan at **Appendix 1**.
 - 3.18.1 The upper limit of the zone will be not greater than 6 metres from the top of the cable tunnel;
 - 3.18.2 The lower limit of the zone will be not greater than 6 metres below the bottom of the cable tunnel; and
 - 3.18.3 The lateral limits of the zone will be not greater than 3 metres on each side of the external diameter of the cable tunnel.

Construction Compounds

- 3.19 Compounds at both Tilbury and Gravesend will need to be established during construction of the Project, for works and usage such as temporary access roads; temporary storage areas; temporary generators; offices, welfare facilities, security huts, canteens, parking facilities; topsoil / subsoil storage bunds; security huts; wheel washes; grout mixing plant;

slurry treatment plant area; muck handling; tunnel segment storage area; crane temporary storage area; and access route from existing private road.

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

The need for the Project

- 4.1 As part of their commitments to tackling climate change, the UK Government has set legally binding targets to become net-zero in all greenhouse gases by 2050 for England and Wales. The UK has also committed to a 68% reduction in greenhouse gas emissions by 2030. To meet these targets, the UK will need to continue to move away from traditional forms of energy generation to heat homes, charge vehicles and power businesses, and there will be a greater need for cleaner, greener energy.
- 4.2 NGET owns and operates the national high-voltage electricity transmission system throughout England and Wales. The key role of the transmission system is to connect the electricity generators' power stations with the local distribution networks of the regional electricity companies. NGET holds the Transmission Licence for England and Wales and is thus obligated to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the generation and supply of electricity, as set out in the 1989 Act.
- 4.3 A large amount of renewable and low carbon energy generation has been forecast connecting into the electricity transmission network in the east coast of England, together with three interconnectors from the continent. Through these forecasts, it has been identified that the Tilbury to Grain and Tilbury to Kingsnorth 400 kV circuits will become significantly overloaded in their current capacity and require upgrading. The Project is therefore needed to replace existing outdated infrastructure with modern infrastructure that will increase capacity and ensure that the network is prepared for future demand.
- 4.4 National Grid is responsible for delivering the extensive onshore transmission system enhancements that are required to achieve the government's 2030 power sector decarbonisation target.
- 4.5 In December 2022, ¹OFGEM decided to introduce a new regulatory approval and funding framework for onshore transmission projects required to deliver the Government's 2030 Net Zero ambitions which were to be known as ASTI projects and will apply to an initial 26 projects. The Project is one of those identified ASTI projects. The ASTI framework streamlines the existing large onshore transmission funding submission process by removing the initial needs case and final needs case assessment stages to accelerate project delivery.
- 4.6 As part of this, OFGEM also decided to
- 4.6.1 introduce a new output delivery incentive that rewards/penalises the relevant transmission owner for delivery against target delivery dates;
- 4.6.2 provide pre-construction and early-construction funding ahead of planning application submission.
- 4.7 OFGEM's updated costs benefit analysis suggests that, if all projects are delivered by their optimal delivery dates, there is a net consumer benefit of up to £2.1bn (this was considered a conservative estimate of the benefits given the wider strategic benefits that accelerated decarbonisation unlocks).
- 4.8 As set out in the ASTI decision document, OFGEM accept the need for the listed 26 ASTI projects as they meet the "ASTI criteria". This is met if it is a project that is expected to cost £100m or more of capital expenditure and needs to be operational by 2030 to meet the Government's ambition to connect 50GW offshore wind generation and there is clear

¹ https://www.ofgem.gov.uk/sites/default/files/2022-12/ASTI%20decision%20doc%20-%20Final_Published.pdf
Ofgem - Decision on accelerating onshore electricity transmission investment (15 December 2022)

evidence that the expected consumer benefits of applying the accelerated delivery framework to the project exceeds the expected consumer detriment.

- 4.9 The estimated costs of the project in 2021/22 prices are explained in section 10 below. These costs are significantly exceeded by the savings that the Project can provide to both NGET and its customers because of the 40-year asset life of the works, compared to the “do nothing” option. Further details on the alternative options considered by NGET when developing the Project can be found in section 6 below.
- 4.10 An explanation is provided below of how the Project complies with national and local policy and guidance and will contribute materially to the achievement of net zero targets.

National Policy

- 4.11 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).
- 4.12 For the Project, the NPS for Energy (NPS EN-1), and the NPS for Electricity Networks Infrastructure (NPS EN-5), which were updated and published in November 2023, and came into force in January 2024, are considered to be material considerations.
- 4.13 *NPS for Energy (EN-1)*
 - 4.13.1 The overarching NPS for Energy (NPS EN-1) sets out the Government’s policy for delivery of major energy infrastructure.
 - 4.13.2 Paragraph 2.1.3 acknowledges that in order to produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale, and that high quality infrastructure is crucial for economic growth, boosting productivity and competitiveness.
 - 4.13.3 Paragraph 2.5.1 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.
 - 4.13.4 Paragraph 2.3.6 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.
 - 4.13.5 Paragraph 3.3.1 -3.3.3 notes that to manage the risks to achieving security of supply we need sufficient electricity capacity to meet demand at all times and that electricity demand must be simultaneously and continuously met by its supply.
 - 4.13.6 Paragraph 3.3.7 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.
 - 4.13.7 Paragraph 3.3.3 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.
 - 4.13.8 Paragraph 3.3.65 develops this point, noting that there is an “*urgent need for new electricity network infrastructure to be brought forward at pace to meet our energy objectives.*”

4.14 *NPS for Electricity Networks Infrastructure (EN-5)*

4.14.1 Paragraph 1.1.1 acknowledges that *“the security and reliability of the UK’s current and future energy supply is highly dependent on having an electricity network which will enable the new electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to transition to net zero...”*.

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

4.15.1 **Meeting Energy Demand:** in particular, the Project will directly address the specific need for the uprating of the 400 kilovolt (kV) circuits in the existing tunnel under the River Thames, which will be significantly overloaded in their current capacity as a result of the large amount of renewable and low carbon energy generation connecting in to the transmission network in the east coast of England. This requires the distribution network to be reinforced and therefore, the transmission network also needs to be reinforced to meet this increasing power demand.

4.15.2 **Energy security/reliability of supply:** improving the resilience of the distribution system reduces the risk to consumer supplies under normal and abnormal operating conditions. In addition to ensuring security of supply in Tilbury area, the Project will form an integral part of the UK’s wider electricity network and provide energy reliably whilst ensuring security of supply, because constructing additional substations increases the resilience of the network by enabling the power to flow where it is needed and by increasing the security of the system, ensuring a robust network.

4.16 *National Planning Policy Framework*

4.16.1 The National Planning Policy Framework (“**NPPF**”) was revised on 19 December 2023 and sets out the government’s planning policies for England and how these are expected to be applied. The NPPF was first published in March 2012, revised in 2018, 2019, 2023 and latterly in December 2023.

4.16.2 The NPPF sets out national policies that guide plan-making and decision taking at a local level. At its heart is a *“presumption in favour of sustainable development”* (Paragraph 10) that is necessary to allow sustainable development to be pursued in a positive way. Paragraph 11 explains that...:

“...For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.16.3 In addition, Paragraph 12 sets out that planning authorities also may take decisions that depart from an up-to-date Development Plan if material considerations indicate that the plan should not be followed. Paragraph 38 expands on this, stating that:

"Planning authorities should approach decisions on proposed development in a positive and creative way" and "should seek to approve applications for sustainable development where possible".

- 4.16.4 Paragraph 6 sets out that statements of government policy represent material considerations in planning decisions:

"Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statement and endorsed recommendations of the National Infrastructure Commission."

- 4.16.5 Paragraph 20(b) explains that strategic policies of Development Plans should set out an overall strategy that makes sufficient provision for infrastructure, including energy infrastructure.
- 4.16.6 The Project is sustainable development that meets the objectives of the NPPF.

4.17 *Government Papers*

- 4.17.1 The Energy White Paper – Powering our Net Zero Future ("**EWP**") was presented to Parliament in December 2020 and builds on the then Government's Ten Point Plan. At the core of the EWP is the commitment to achieve net zero greenhouse gas emissions by 2050 and tackle climate change. The EWP seeks to put in place a strategy for the wider energy system that transforms energy, supports a green recovery, and creates a fair deal for consumers (page 4).

- 4.17.2 Chapter 2 of the EWP deals with 'Power' with the stated goal being to use electricity to enable the transition away from fossil fuels and decarbonise the economy cost-effectively by 2050. Figure 3.2 of the plan, 'Electricity demand, Net Zero scenarios' (page 42) highlights how electricity demand could double by 2050 as electricity replaces the use of petrol and diesel in transport and to some extent, gas for heating. This would require a four-fold increase in clean electricity generation with the decarbonisation of electricity being required to underpin the delivery of the net zero target.

- 4.17.3 On page 76 of the EWP, it is recognised that to maintain a resilient and reliable electricity network that can accommodate this increase in generation further investment is needed in physical infrastructure, and that this investment is supported by the government.

- 4.17.4 The Net Zero Strategy: Build Back Greener, 2021 ("the **Net Zero Strategy**") sets out the Government's vision of using the necessary action to tackle climate change as an economic opportunity to create prosperity. Part 3i (Power) sets out key commitments to deliver a decarbonised power system by 2035. These include:

4.17.4.1 Subject to supply, all electricity will come from low carbon sources by 2035;

4.17.4.2 Delivery of 40GW of offshore wind by 2030;

4.17.4.3 Investing in supply chains, infrastructure and early-coordination of offshore transmission networks for the offshore wind sector; and

4.17.4.4 Ensuring the planning system can support the deployment of low carbon energy infrastructure.

- 4.17.5 The UK Government's British Energy Security Strategy (April 2022) ("the **BESS**") identifies a target of delivering 50 GW of renewable wind energy by 2030. The BESS sets out the Government's aims to reduce reliance on coal and gas and to generate and store more renewable and nuclear energy in

the UK and recognises the importance of the transmission network within this strategy, noting that accelerating our domestic supply of clean and affordable electricity also requires the expansion and growth of that transmission network to connect new green energy generation, and to transfer the power to where it is needed most.

4.17.6 Building on the BESS and the Net Zero Strategy, the Government published the following plans:

4.17.6.1 'Powering Up Britain' Energy Security Plan (March 2023) ("the **Energy Security Plan**"); and

4.17.6.2 'Powering Up Britain' The Net Zero Growth Plan (March 2023) ("the **Net Zero Growth Plan**").

4.17.7 The Energy Security Plan sets out the steps that the Government is taking to ensure that the UK is "*more energy independent, secure and resilient*". It builds on the Government's ambitions set out in the BESS and the Net Zero Strategy, setting out an aim to double Britain's electricity generation capacity by the late 2030s to move towards energy independence, whilst acknowledging that demand for electricity could itself double by 2050. In this regard, the Energy Security Plan notes that the "*right*" electricity network infrastructure and network connection is critical for building new energy infrastructure, with "*over 250 gigawatts of generation in the transmission connection queue (compared to circa 80 gigawatts that is currently connected)*". The following priorities are identified to speed up the delivery of such infrastructure:

4.17.7.1 Halving development time for transmission network projects;

4.17.7.2 Taking a whole system approach to network planning;

4.17.7.3 Enabling an effective legislative and regulatory framework;

4.17.7.4 Accelerating electricity network connections; and

4.17.7.5 Expanding and optimising electricity interconnection with neighbours.

4.17.8 The Energy Security Plan is complemented by the Net Zero Growth Plan, which notes that energy security and net zero are "*two sides of the same coin*".

4.17.9 As well as building on the above documents, the Net Zero Growth Plan is part of the Government's response to the recommendations of 'Mission Zero', the report of the Independent Review of Net Zero published in January 2023. This report identifies infrastructure's key role in the delivery of net zero, noting that scale and speed are required, and recognising the need for the electricity network to keep pace with the Government's renewable energy ambition. The Net Zero Growth Plan confirms that the Government is "*partly or fully acting upon 23 recommendations from the Independent Review of Net Zero report's 25 recommendations for 2025*". It also sets out progress on delivery in various areas, including the Government's ambition to halve the time it takes to build new transmission network infrastructure.

4.18 Delivery of the Project will materially contribute towards achieving these Government objectives.

Local Policy

4.19 The Project falls within two local authority areas, Thurrock Council and Gravesham Borough Council. Details of the development plan policy for the two administrative areas are set out below. The shortly anticipated grant of planning permission by both authorities demonstrates the local policy support for the Project.

Gravesham

- 4.20 The Development Plan for Gravesham currently consists of:
- Gravesham Local Plan Core Strategy and Local Plan Policies Map (2014));
 - Gravesham Local Plan First Review (1994) – saved Policies; and
 - Kent County Council Minerals and Waste Local Plan 2013-30 (2020).
- 4.21 The Local Plan Core Strategy is the main document in the Gravesham Local Plan. It was adopted in September 2014.
- 4.22 The Local Plan Core Strategy comprises 18 strategic objectives, with seven spatial policies and 14 thematic policies to help shape the future of the Borough up to 2028 so as to build a successful and sustainable future in which land and sites are made available for health, education, open space, industry and housing, together with improved accessibility to these facilities by all sections of the community.
- 4.23 Kent County Council are the minerals and waste planning authority for Kent, and plan for waste management capacity and mineral supply through their Minerals and Waste Local Plan. The plan includes strategic policies for minerals and waste development as well as development management policies used to determine planning applications.
- 4.24 Gravesham Borough Council is the process of reviewing the Gravesham Local Plan Core Strategy which was adopted in 2014. The new plan (the Local Development Scheme) will set out the planning framework for the borough until 2037.

Thurrock

- 4.25 The Development Plan for Thurrock currently consists of:
- The Core Strategy and Policies for Management of Development (2015); and
 - Essex Minerals Local Plan (1997)- saved policies.
- 4.26 The Core Strategy and Policies for Management of Development (“**Core Strategy**”) is currently Thurrock Council’s main local plan document. It was originally adopted on 21 December 2011 and updated on 28 January 2015 following an independent examination.
- 4.27 The Core Strategy comprises 19 objectives, three spatial policies, 10 thematic policies and 16 policies for management of development to provide the framework for the council’s jurisdiction up to 2026 so as to build a successful and sustainable future in which land and sites are made available for health, education, open space, industry and housing, together with improved accessibility to these facilities by all sections of the community.
- 4.28 Thurrock Council’s development plan for minerals is comprised of both the adopted Core Strategy and the saved Essex Minerals Local Plan adopted first review, November 1996. These will remain the adopted policies for minerals until the new local plan is adopted.
- 4.29 In February 2014, Thurrock Council started work on a new Local Plan. Two ‘issues and options’ consultations have taken place in 2016 and 2018 respectively. Thurrock Council are now in the process of preparing a draft Local Plan building on the Issues and Options stages and considering new and updated evidence.

Summary of Key Benefits

- 4.30 The key benefits that will arise from the Project, which accord with NGET’s duties, and with the above National and Local policies and guidance, are:
- 4.30.1 The replacement and modernisation of existing outdated infrastructure;

- 4.30.2 Delivering increased capacity to meet energy demand and customer connection requirements;
 - 4.30.3 Transitioning to net zero/low carbon economy; and
 - 4.30.4 Energy security/reliability of supply.
- 4.31 These benefits will not be delivered if NGET is unable to secure the necessary land and new rights for the Project.

5. **CONSENTS**

Planning Permission

- 5.1 NGET submitted two planning applications for the Project on 18th December 2023:
- 5.1.1 Planning application ref 20231313 is expected to be granted by Gravesham Borough Council on 11th December 2024. There is no known outstanding information required by Gravesham Borough Council which would prevent the permission from being granted. This permission will authorise key elements of the Project as follows:

“Proposed construction of a new cable tunnel beneath the River Thames between Gravesend and Tilbury to provide additional transmission capacity. Above-ground infrastructure in the form of a new Cable Sealing End compound and a new head house building along with associated electricity infrastructure, access, parking, boundary treatment and two overhead gantry structures for future overhead lines. Temporary compound for the duration of the project to provide parking, staff welfare facilities, delivery vehicle parking, and equipment and machinery storage, including boundary treatment and lighting.”
 - 5.1.2 Planning permission ref. 23/01502/FUL is expected to be granted by Thurrock Council (“**TC**”) in its capacity as local planning authority in November 2024. This authorises key elements of the Project as follows:

“Proposed construction a new cable tunnel beneath the River Thames between Tilbury and Gravesend to provide additional transmission capacity. Above-ground infrastructure in the form of a new Cable Sealing End compound and a new head house building along with associated electricity infrastructure, access, parking, boundary treatment and two overhead gantry structures for future overhead lines. Temporary compound for the duration of the project to provide parking, staff welfare facilities, delivery vehicle parking, and equipment and machinery storage, including boundary treatment and lighting.”
- 5.2 The Project has been screened under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Of the Environmental Impact Assessment (**EIA**) screening opinions provided by Thurrock Council (23/00681/SCR) and Gravesham Borough Council (20230668) (ES Volume VI Appendix 4.1), only Gravesham Borough Council determined the proposed development to be EIA. Thurrock Council determined the Project to be ‘not EIA Development’. Due to the opposing views of Thurrock Council and Gravesham Borough Council, NGET decided to consider the whole Project as EIA development.
- 5.3 With regards to the proposed boring of the new tunnel, the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) set out the procedure that must be followed before approval is granted for a range of plans and projects. These require an EIA to be carried out in support of an application for consent for categories of project listed in Schedule A1 and Schedule A2 of the Regulations.
- 5.4 The boring of a new tunnel does not fall under Schedule A1 or Schedule A2 of the EIA Regulations. However, NGET requested an EIA Screening opinion to confirm if the Marine Management Organisation (“**MMO**”) considered a statutory EIA was required. On 1 August

2023, the MMO requested NGET withdraw their EIA screening application, advising that an EIA screening request is only for projects which fall under either Schedule A1 or A2 of the Marine Works (Environmental Impact Assessment) Regulations 2007, which the MMO did not believe the Project fell under. A marine licence is not therefore required as the new tunnel meets the terms of a Marine Licence Exemption set out in Article 35 of the Marine Licensing (Exempted Activities) Order 2011.

Section 37 1989 Act Application

- 5.5 New overhead lines are consented via Section 37 of the 1989 Act. NGET submitted the section 37 consent application (ref 12.04.09.05-1933U) for the Project to the Department for Energy Security and Net Zero on 21st June 2024.
- 5.6 This seeks consent for a new span of OHL that will connect the new tunnel cables to the existing OHL on both sides of the river. At Tilbury, the new span of OHL will be on land owned by the Port of Tilbury. At Gravesend, the new span will be on land owned by both National Grid and adjacent landowner the Royal Society for the Protection of Birds ("**RSPB**").
- 5.7 The Section 37 consent application is to be determined by Department for Energy Security and Net Zero in its capacity as the Secretary of State. Insofar as the works are to be undertaken on land which is not in NGET's control yet, it is envisaged that the Secretary of State will be in a position to co-ordinate the Section 37 and CPO decisions.

Additional Consents and Licences

- 5.8 A number of additional consents/licences will likely be required to facilitate the Project. These include the following:
 - 5.8.1 River Works Licence. More detail on this is explained below at section 8;
 - 5.8.2 Public rights of way temporary closure and diversions - At Tilbury, there would be no temporary or permanent changes required to any public rights of way. At Gravesend, the Thames & Medway Canal Road hosts the National Cycle Network (NCN) Route 1, managed by Sustrans (custodian of the NCN in the UK) and a Public Right of Way (NS317). For health and safety reasons, both would need to be diverted during appropriate phases of construction;
 - 5.8.3 Abstraction Licence;
 - 5.8.4 Flood Risk Activity Permit;
 - 5.8.5 Discharge consent;
 - 5.8.6 SSSI Assent;
 - 5.8.7 Materials Management Plan;
 - 5.8.8 Groundwater Activity Permit;
 - 5.8.9 Dewatering Permit;
 - 5.8.10 Land Drainage Consent;
 - 5.8.11 Flood Defence Consent; and
 - 5.8.12 MCPD Medium Combustion Plant Directive Permit for generator.
- 5.9 The above requirements are typical for this type of development and NGET and their contractors are familiar with the necessary scope of works to fulfil these. NGET is not aware

of any reason why the other consents and licences will not be granted when NGET and/or its contractor makes the applications at the appropriate time.

- 5.10 Should additional consents/licences be identified as being required as the Project's detailed design develops, NGET and their contractors are confident that these will also be satisfactorily agreed with the relevant authorities.

6. **SITE SELECTION AND ALTERNATIVES**

- 6.1 ES Volume II, Chapter 2: Alternatives sets out the detail of the site selection and the alternatives considered at each of the design evolution stages of the Project. This process has been informed by engagement and consultation with stakeholders, and ES Volume II Chapter 5: Consultation provides further detail on how that engagement has led to the consideration of alternatives or a change to the design.

- 6.2 In 2021, consultants Mott MacDonald produced an Optioneering Report to identify an overall solution based on assessments against key criteria and considering a cost benefit analysis of preliminary cost estimates. In 2022, additional work was undertaken by Mott MacDonald, Gillespies and AECOM with respect to engineering and cost, landscape and visual, and ornithology effects.

- 6.3 There were three options under consideration to facilitate the Project:

Option 1 – Installation of new cables within existing tunnel.

- 6.4 This option comprised the removal of the existing oil-filled cables within the existing tunnel and retrofitting of new cross-linked polyethylene (XLPE) cables. The existing tunnel would require civil repair work and replace the existing mechanical ventilation system as it is not compliant with current NGET standards. A new mechanical ventilation system would be required in a building of approximately 20m x 10m. Mechanical and electrical services at Tilbury would also be required with this option.

- 6.5 There are health and safety risks associated with Option 1 which make it unlikely to meet with health and safety regulations or NGET technical requirements. For example, the works would be within a confined space where the working area would be extremely limited. This would result in the manual handling of heavy plant as there would be no room for lifting equipment. Additionally, the work would need to be undertaken adjacent to live equipment, as at least one 400kV circuit would need to remain live to maintain supply.

- 6.6 During cable replacement, each circuit would need to be switched out for a full outage season with an Emergency Return to Service on commissioning. NGET has confirmed that the maximum outage duration that could be facilitated for the refurbishment of the tunnel and shafts would be two six-month outages, in 2026 and 2028 (noting system access would not be available in 2027). An uninterrupted 18-month outage per circuit would not be possible for the Kingsnorth-Tilbury and Grain-Tilbury circuits with consecutive outages required per year between 2029 and 2033 for the cable replacement. Given the minimum construction programme to replace a single circuit is 13 months, it is not considered feasible to remove each existing circuit, supporting concrete and install new cables within the outages provided.

Option 2 – Installation within new tunnel

- 6.7 This option comprised the boring of a new tunnel approximately 1.4km long (from shoreline to shoreline), 4m in diameter underneath the River Thames, parallel to the existing tunnel, and installations of new XLPE cables. Two cables per phase would be required. This option also includes associated infrastructure including new shaft headhouses, cable sealing end compounds and modifications to the existing overhead lines.

Option 3 – Overhead Line River Thames crossing

- 6.8 This option comprised the construction of an approximately 2 km span length overhead line across the River Thames, to replace the cables within the existing tunnel. There is limited

space for the anchor towers and diversions to be able to achieve a straight line for tension / loading. The siting of the towers is also constrained on the south bank of the river due to a railway running parallel and sensitive wildlife habitat. The towers, their foundations and the conductor system would require a bespoke design as well as a complex and extended construction period.

- 6.9 This option would require larger land take required to accommodate the anchor towers in line with crossing towers and the space required to construct them.
- 6.10 Twin conductor bundle would be required including a crossing and tension tower either side of the River Thames. Tension (or angle) towers are required to connect the new overhead line into the existing network where the angle of deviation is greater than degree of five.
- 6.11 The crossing overhead line towers would need to be approximately 245 m in height due to the approximately 130m sag at maximum operating temperature which needs to allow clearance of the frequent numbers of large shipping vessels which use this section of the River Thames. Further design engineering work would have been required to confirm whether two crossing towers either side of the River Thames would be necessary to carry the weight of conductors required.
- 6.12 **Option Selection:**
 - 6.12.1 Option 1 was discounted due to Health and Safety risks.
 - 6.12.2 Option 3, given its location and scale, would have greater and permanent environmental impacts, some of which may result in greater challenges regarding policy compatibility. Option 3 would also require a Development Consent Order which would result in greater consenting risks, longer lead in times and determination timescales. Option 3 is cheaper and can be constructed more quickly but it was ultimately discounted due to the consenting phase timeframes and risks attached to it given the potential impacts it would have on landscape and ecology.
 - 6.12.3 On balance it was considered that Option 2 was preferable overall. While the costs for this option are greater compared to option 3, in environmental and planning terms it has less long-term impact, less consenting risks and can be delivered more quickly through the consenting phase.

7. LAND AND NEW RIGHTS REQUIRED

- 7.1 The Order Land consists of 108 plots of land within a number of different ownerships, including freehold, leasehold and occupational interests. The full extent of the Order Land is shown on the maps that accompany the Order. The Order Schedule sets out the details of those interests. Details of the negotiations with the affected parties to date are detailed in Section 8 of this Statement.
- 7.2 In summary, the Order Land comprises:
 - 7.2.1 All interests in land needed for the permanent headhouse and SEC at Tilbury on the north side of the Thames. This land is shown coloured pink on sheets 3 and 4 of the Order Maps and comprises Plot numbers 3/11, 3/14, 4/2 and 4/3 of the Order Land, which is owned by the Port of Tilbury London Limited ("**PoTLL**")
 - 7.2.2 All interests not currently in either NGET's or PoTL's ownership in NGET's existing electricity substation site at Plot 3/7 of the Order Land, which is shown coloured pink on sheet 3 of the Order Maps, which is required for the removal of overhead lines and the realignment of overhead lines to the new tower. This land is included in the Order to ensure that there are no other interests which could prejudice the delivery of the Project.
 - 7.2.3 All interests not currently in NGET's ownership of the land for the SEC and related infrastructure on the south side of the Thames at Gravesend to ensure there are

no impediments to the delivery of the Project. This land is shown shaded pink on sheets 7 and 8 of the Order Maps and comprises Plots 7/2, 7/4, 7/5, 8/2, 8/3, 8/4, 8/5, 8/6, 8/7, 8/8 and 8/10 of the Order Land.

7.2.4 New rights for:

7.2.4.1 the tunnel and cables under the Thames and to maintain a protection zone around it;

7.2.4.2 the new and diverted overhead lines, and associated infrastructure at both the Tilbury and Gravesend ends of the scheme;

7.2.4.3 the use of land as a construction compound;

7.2.4.4 working areas for decommissioning and removal of the overhead lines at the Gravesend side of the Project;

7.2.4.5 access for construction and operational purposes;

7.2.4.6 carrying out surveys and monitoring of the tunnel; and

7.2.4.7 to drain into existing watercourses.

7.3 The land over which new rights are sought is shown coloured blue on the Order Maps. The new rights have been separated into 'packages' based on their purpose and applied to specific plots, as appropriate. Some of the rights are only required for temporary purposes, such as the creation of construction compounds, and will only be exercised during the construction phase. Other rights will be permanent in nature, such as the right to keep installed, operate, maintain and decommission the new (realigned) sections of overhead line.

7.4 The rights 'packages' have been tailored in this way to ensure that a proportionate approach to compulsory purchase is taken, and that the impact for affected landowners and occupiers is limited so far as reasonably practicable.

7.5 The rights packages are defined in full in the Order and are replicated in **Appendix 3** to this Statement of Reasons.

7.6 NGET considers it essential to secure the grant of permanent rights akin to easements for the overhead lines rather than wayleaves (whether by negotiation or through the Order) for the following reasons:

7.7 It is in the public interest to obtain the appropriate security for the electricity transmission network through the grant of permanent land rights rather than temporary wayleaves; and

7.8 Permanent land rights are commensurate with the nature and lifetime of the infrastructure comprised in the Project and NGET's statutory duty to maintain an efficient and robust National Electricity Transmission System.

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

8. **ENGAGEMENT AND ACQUISITION BY AGREEMENT**

8.1 Paragraphs 2, 12.3, 13.4, 17 and 19 of the Guidance set out guidance for acquiring authorities in respect of engagement and acquisition by agreement. These require:

8.1.1 the acquiring authority to have taken reasonable steps to understand the impacts and attempt to acquire the land and rights by agreement (paragraph 2.2);

- 8.1.2 that an order should only be made where there have been reasonable efforts to negotiate purchase by agreement (paragraph 12.3); and
- 8.1.3 there to be evidence that the interests of those affected by the Order have been considered (paragraph 13.4).
- 8.2 Paragraph 17.1 points out the benefits of early communication with those affected by the Order and regular communication. It suggests that there may need to be community engagement, and that engagement should take place by a variety of methods. Paragraphs 17 and 19 points out the advantages of understanding objections up front and gives suggestions as to the types of mitigation that could be considered by acquiring authorities. If an acquiring authority has not done these things, then it should say why it decided this approach in its statement of reasons. The engagement that NGET has undertaken as well as attempts to acquire the relevant land and rights by agreement, is explained below.

Engagement

- 8.3 In 2022, NGET had identified the three options described at section 4 above and it sought feedback from key stakeholders on these options, including the Port of Tilbury, Port of London Authority, RSPB and the Environmental Agency.
- 8.4 NGET held a four-week public consultation which included in person and online events that ran from the 27 September 2023 to the 29 October 2023. The purpose of the consultation is to inform members of the public, the local community, and other interested stakeholders on the details of the proposed Project and allows an opportunity for people to provide feedback relating to the Project so that useful insights can be integrated into the evolving design in advance of planning submission.
- 8.5 Residents within the immediate vicinity of the proposed Project received a newsletter with more information on the public consultation. Further, public information events took place at Tilbury (Tilbury Community Association) on 13 October 2023 and in Gravesend (Clarendon Royal Community) on 11 October 2023. These events served primarily to provide information on the Project to members of the public in the local community. The feedback provided during the public information event has been documented and considered by the project team and is detailed in the Statement of Community Involvement submitted as part of the planning applications.
- 8.6 The public consultation was also hosted on a project website where residents and members of the public could register to attend to get more information. This allowed those that could not attend the events in person to receive information relevant to the proposed Project.
- 8.7 Two webinars were held, one which focussed on the proposed Project in Tilbury north of the River Thames, and one focussed on Gravesend south of the River Thames. The Gravesend webinar was held on Wednesday 18 October 2023 and the Tilbury webinar was held on Thursday 19 October 2023.
- 8.8 In addition to the in-person events held and the online webinars, members of the public could provide feedback through a variety of means such as online, via email or via post. To raise awareness of the consultation within the local community: NGET distributed an invitation newsletter to over 11,000 homes and businesses in Tilbury and Gravesend, together with other identified stakeholders including elected representatives, local authorities, and third-party and community interest groups. The two-page newsletter included a QR code with a direct link to the project website, as well as information on the two public exhibitions and two webinar events. There were also paid for Facebook adverts, and a press release in several news outlets
- 8.9 Throughout the engagement period described above, NGET have taken time to explain NGET's land requirements, kept landowners appraised of the Project's progress/programme, and considered feedback received. As a result of this liaison, for example, NGET received feedback associated with the headhouse location which following engineering discussions moved approximately 70 metres north of the original location to accommodate PoTLL's requests. The construction area was changed following a request

from the PoTLL who were intending to use the area in question and make a planning application for a new warehouse NGET considered this feedback during the evolution of the Project design and accommodated it wherever practicable having regard to other constraints including physical, ecological and operational. As a consequence of the feedback, the headhouse was moved and the construction area also, this meant additional surveys were needed. NGET has also moved its proposed permanent lease area to accommodate PoTLL's proposals for a new cycle path and footway.

- 8.10 Land referencing activities took place in February 2023 and have continued throughout the planning application and CPO preparatory process for the Project.

Acquisition by Agreement

- 8.11 NGET'S overarching Land Rights Strategy was adopted in 2010 to provide a consistent methodology for acquiring land and rights for NGET's infrastructure projects, in particular aimed at securing permanent rights to protect the long-term lifespan of the infrastructure. It promotes and enables effective and consistent communication with those who are most affected by NGET's proposals and embodies the principles of the Guidance on seeking to acquire land and rights by negotiation if possible. It ensures that people are treated fairly and consistently, no matter where they live, and seeks to encourage landowners to enter into voluntary agreements and prompt long term stakeholder relationships.
- 8.12 Negotiations to acquire the land and new rights needed for the Project are being carried out by NGET, in accordance with the Land Rights Strategy.
- 8.13 The following gives a summary of NGET's meaningful attempts to acquire the relevant land and rights by agreement from the principal parties with interests in the Order Land.

Port of Tilbury London Limited ("PoTLL")

- 8.14 PoTLL owns the majority of the land within the Order Land on the north side of the Thames at Tilbury, which principally comprises scrubland, hardstanding, parking and private access roads, areas on the banks of the River Thames, and part of the existing electricity substation site which is let to NGET. The land is unoccupied, other than the existing NGET land, and an area which is currently used informally by Hyundai within Plot 4/13.
- 8.15 As explained at paragraph 7.2.1 above, NGET seeks freehold acquisition through the Order over part of the land owned by PoTLL for the purposes of a new head house and SEC and related infrastructure.
- 8.16 Negotiations in respect of securing a lease of this land began with PoTLL in October 2022 at the same time the public engagement on the Project began, and since then NGET has had extensive meetings with the PoTLL to progress the voluntary acquisition. NGET has recently made an offer to the PoTLL, and it is believed that the parties are close to reaching agreement on the terms of the lease.
- 8.17 If the lease cannot be concluded voluntarily, since it is not possible to create a lease through compulsory acquisition, NGET would need to acquire the freehold of the land, to ensure that it can construct its permanent infrastructure needed for the Project. Even if the lease completes, the Order powers remain necessary, but these would only be exercised in limited circumstances such as in the event of default or insolvency, and in respect of third party interest in the land.
- 8.18 In addition to the lease, NGET seeks new rights over land owned by PoTLL for the new overhead lines, use of land as a construction compound, construction and operational access rights, drainage, monitoring and survey purposes, and for the Tunnel and its protection zone.
- 8.19 Negotiations for the acquisition of these rights began at the same time as the leasehold negotiations, and the offer that has been made includes the voluntary acquisition of these rights from PoTLL within its scope.

- 8.20 The suite of property agreements under negotiation with PoTLL are as follows:
- 8.20.1 Agreement for lease for the SEC and head house site: – this is substantially agreed;
 - 8.20.2 The permanent easement for the tunnel forms part of the above Agreement for Lease: – this is substantially agreed;
 - 8.20.3 Construction Lease – drafted but the parties are waiting on the above documents to be agreed because the points in the permanent lease will transfer into the Construction Lease with the exception of construction specifics;
 - 8.20.4 Overhead line easement – drafted and under negotiation; and
 - 8.20.5 Framework agreement to carry out surveys for the tunnel: – this is agreed in principle pending confirmation by PoTLL that the plan is acceptable.

National Highways (“NH”)

- 8.21 National Highways currently have a lease with the PoTLL for a construction site in connection with the proposed Lower Thames Crossing. A development consent order was sought by NH for the Lower Thames Crossing project but it is understood that this scheme is not currently being progressed.
- 8.22 A very small part of the NH lease area conflicts with the area over which NGET are also seeking a long lease for its head house and it is anticipated that the NH lease over this land will be surrendered.
- 8.23 PoTLL also owns land let to NH over which NGET seeks new rights for the tunnel, overhead lines, drainage and construction compounds. This is also expected to be addressed through the suite of agreements under negotiation with PoTLL. NGET has been liaising with NH but the discussions are being led by the PoTLL as the current freehold owner.

Port of London Authority (“PLA”)

- 8.24 PLA own the freehold of the riverbed and banks of the River Thames within plots 4/39, 4/40, 5/1, 6/1, 6/2, 6/3, 7/1 and 8/1 of the Order Land in which the Tunnel is proposed to be constructed, and for which Tunnel and Cable Rights and Tunnel Protection Rights are required. Discussions have been progressed for a draft works licence for the construction of the tunnel, and it has been communicated that this will form the basis for the permanent right required. A River Works Licence is also required from the PLA, and discussions are under way for this. National Grid are pressing the PLA for the draft documents to progress terms.

Royal Society for protection of Birds (“RSPB”) and the Mayor’s Office for Policing and Crime (“MOPC”)

- 8.25 The RSPB own freehold interests in the Order Land on the south side of the River Thames, the majority of which is let to the Mayor’s Office for Policing and Crime and used as a rifle range (Plots 7/7–7/18). The land is required for the tunnel and its protection zone; for the decommissioning of the existing overhead line; for drainage and for the installation of the new overhead lines. Construction and operational access rights are also required, principally along the route of the existing rifle range access road.
- 8.26 NGET met with the RSPB on 25th November 2022 and 1st December 2022 to discuss options for the Project. They confirmed that an undergrounding option was preferable and encouraged NGET to submit details of the land rights required. Since that date there have been extensive negotiations to seek to acquire the land rights voluntarily from RSPB by way of a construction lease, a deed of variation in relation to the existing overhead line, and an agreement in relation to access rights. Heads of terms have been agreed with RSPB and the respective parties’ solicitors are engaged in reviewing draft documentation.

8.27 In April 2024 it became apparent that a tripartite agreement would be needed between RSPB, the MOPC and NGET. Heads of terms were sent to the MOPC in June 2024 and negotiations for this agreement are still underway.

Environment Agency (“the EA”)

8.28 The EA own land on the banks of the River Thames (Plots 7/3 and 7/6) comprising grass land and footpath over which rights are sought for the Tunnel, its protection and for monitoring and survey purposes.

8.29 The EA were engaged with in 2022 to seek their feedback on the proposals and the three project options being considered at the time. Land specific negotiations in relation to the requirement for a tunnel easement insofar as it extends into the EA’s ownership have taken place.

Network Rail Infrastructure Limited (“NRIL”)

8.30 NRIL own freehold interests in the Order Land that comprise a private road known as the Thames and Medway Canal Towpath, along which a public footpath and a cycle route run.

8.31 Construction and operational access rights are sought over this land. NGET currently enjoys some rights of access over this land to its existing Gravesend headhouse but neither party has been able to locate the deeds to date to confirm the scope of those rights. It is therefore necessary to include the rights in the Order.

8.32 Discussions are ongoing with Network Rail to secure and/or modify the access rights it requires over the access road. NRIL have also provided a copy of their basic form of asset protection agreement, which NGET is reviewing. A meeting is being arranged to confirm whether additional rights are required outside the existing access arrangements and the BAPA provisions.

Denton Wharf Properties Limited

8.33 Denton Wharf Properties Limited also own part of the private road and footway comprising the Thames and Medway Canal Towpath, over which construction and operational access rights are sought. Negotiations to acquire these rights began in July 2024 and are ongoing. It is understood that the quantum of the consideration payment is the main outstanding issue.

Gravesham Borough Council and Kent County Council

8.34 These two councils own slithers of land which are part of a private road and footway but which are not adopted highway, being Plots 9/5 and 9/9 owned by Gravesham and Plot 9/8 owned by Kent. NGET seeks access rights over this land.

Unknown ownerships

8.35 There are several unknown and/or unconfirmed interests in the Order Land as summarised below, the ownership of which has not been ascertained despite the diligent enquiries undertaken by NGET.

Unregistered Plots	Unknown Status
1/1	Port of Tilbury London Limited as reputed owner
1/5	Port of Tilbury London Limited as reputed owner
2/7	Port of Tilbury London Limited as reputed owner
2/10	Port of Tilbury London Limited as reputed owner
7/20	Unregistered/unknown

Summary

- 8.36 NGET is taking a proportionate approach to acquisition and only seeks to acquire the freehold title to land it does not already own where that land is needed for the purposes of permanent infrastructure, namely for the Tilbury headhouse and SEC.
- 8.37 NGET is in negotiation for acquisition of the necessary land and rights necessary which, if successful would mean that the Order powers would not need to be exercised. Whilst significant progress for the voluntary grant of land rights is being made, it remains the case that despite these efforts, NGET has not yet secured all of the land and rights in the Order Land that it requires for the delivery of the Project.
- 8.38 In order to provide certainty that the land and rights required for the Project can be assembled within a reasonable timeframe to enable the Project to be delivered, it is therefore necessary for NGET to start the CPO process in parallel with private treaty negotiations. Progressing the CPO process in parallel with continuing landowner negotiations is expressly envisaged by paragraph 17 of the Guidance and NGET remains fully committed to continuing to progress negotiations throughout the CPO process in order to acquire land by agreement, where possible.

Other assistance and commitments provided to landowners

- 8.39 In addition to seeking to acquire land and rights by negotiation, NGET has taken other steps to try to help owners and occupiers affected by the Order.
- 8.40 NGET have set out their commitments to landowners and/or occupiers in a Code of Practice titled 'Construction Best Practice for Overhead Line Installation which provides information on the working practices of NGET and their contractors and describes the key mitigation measures relating to land drainage, farming operations and disturbance.
- 8.41 In summary, the Code of Practice:
- describes the preparatory work that will need to be undertaken by NGET/its contractors (such as the carrying out of surveys, land condition assessments, and the erection of fencing);
 - explains what land NGET will need to use during construction and the precautionary/preventative measures that will be put in place by NGET/its contractors to ensure, for example, that services and water supplies are maintained wherever possible or reinstated where disruption is unavoidable, and that pests and diseases are not spread etc;
 - describes the construction methods that NGET/its contractors will use;
 - explains the restoration works that will be undertaken by NGET/its contractors following completion of the works; and
 - NGET recognises that a key concern of landowners is the impact of the works on agricultural operations and soils. All landowners will be offered consultation and meetings to seek to ensure that the reinstatement proposals provide a solution as part of the land reinstatement upon completion of the works.
- 8.42 There will be continuing dialogue with landowners as construction detail develops. If voluntary agreements cannot be concluded, parties subject to compulsory acquisition will be entitled to compensation under the CPO Compensation Code.

9. **SPECIAL CATEGORY LAND****Statutory Undertakers Land**

9.1 There are a number of statutory undertakers who are affected by the Order. Those who own land affected by the Order are listed in Schedule 1 to the Order, and comprise: PoTLL, PLA, NH, NRIL and the EA, as explained in section 8 above and summarised in the table below:

Statutory Undertaker	Type of Acquisition & Plots
PoTLL	<p>Pink land (All interests in): 3/11, 3/14, 4/2, 4/3.</p> <p>PoTLL also owns Plot 3/7 which is subject to acquisition powers, but its interests in that plot have been expressly excluded from acquisition.</p> <p>Blue land (New Rights):</p> <p>1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 2/1, 2/2, 2/4, 2/5, 2/7, 2/8, 2/10, 2/11, 3/1, 3/2, 3/3, 3/4, 3/5, 3/6, 3/8, 3/9, 3/10, 3/12, 3/13, 4/1, 4/4, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13, 4/14, 4/15, 4/16, 4/17, 4/18, 4/19, 4/20, 4/21, 4/22, 4/23, 4/24, 4/25, 4/27, 4/28, 4/35, 4/36, 4/37, 4/38</p>
NRIL	<p>Blue Land (New Rights):</p> <p>1/3, 7/19, 8/12, 8/13, 9/1, 9/2, 9/4, 9/5, 9/6, 9/7, 9/8, 9/9, 9/10</p>
NH	<p>Pink Land (All interests in) – 3/11, 4/3</p> <p>Blue Land (New Rights):</p> <p>3/8, 3/9, 3/10, 3/12, 4/4, 4/6, 4/7, 4/8, 4/21, 4/22, 4/23, 4/24</p>
PLA	<p>Blue Land (New Rights):</p> <p>4/39, 4/40, 5/1, 6/1, 6/2, 6/3, 7/1, 8/1</p>
EA	<p>Blue Land (New Rights):</p> <p>7/3, 7/6</p>

9.2 In addition, there are a number of statutory undertakers who have an interest in land affected by the Order, such as rights of access or easements. Those parties, who appear in Schedule 2 to the Order, are:

- 9.2.1 OSSPV001 Limited
- 9.2.2 Anglian Water Services Limited
- 9.2.3 Cadent Gas Limited
- 9.2.4 Thurrock Flexible Generation Limited
- 9.2.5 Thurrock Power Limited
- 9.2.6 RWE Generation UK Plc

- 9.2.7 UK Power Networks (Operations) Limited
- 9.2.8 UK Power Networks Services (South East) Limited
- 9.2.9 National Gas Transmission plc
- 9.2.10 South Eastern Power Networks plc
- 9.2.11 Southern Water Services Limited.

Section 17 of and paragraph 4 of Schedule 3 to the Acquisition of Land Act 1981

- 9.3 Because NGET is itself a statutory undertaker by virtue of Schedule 16 paragraph 2(2)(g) of the Electricity Act 1989, the special parliamentary procedure otherwise required by section 17 of the Acquisition of Land Act 1981 for the compulsory purchase of local authority or statutory undertaker land, or by paragraph 4 of Schedule 3 to the 1981 Act for the compulsory acquisition of new rights over that land, is disapplied by virtue of section 17(3) and Schedule 3 paragraph 4(3) of that Act. Therefore, where an objection is made and maintained by a statutory undertaker, the Order shall not be subject to special parliamentary procedure.

Section 16 of and paragraph 3 of Schedule 3 to the Acquisition of Land Act 1981

- 9.4 Section 16 of the 1981 Act provides that where land comprised in a compulsory purchase order includes land which has been acquired by a statutory undertaker for the purposes of their undertaking and that undertaker makes and maintains a representation against its confirmation, the order shall not be confirmed so as to authorise the compulsory purchase of the statutory undertaker's land except land as to which the Secretary of State is satisfied:

- 9.4.1 that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- 9.4.2 that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking,

and a certificate is provided to that effect.

- 9.5 Of the statutory undertakers, only PoTLL and NH own land which is proposed to be acquired by NGET to which this provision could apply if a representation is made to the appropriate Minister and not withdrawn.

- 9.6 Paragraph 3 of Schedule 3 to the 1981 Act provides that where land over which a right is to be acquired by virtue of a compulsory purchase order includes land which has been acquired by a statutory undertaker for the purposes of its undertaking and that undertaker makes and maintains a representation against its confirmation, the order cannot be confirmed including that statutory undertaker's land, unless the Secretary of State is satisfied that the rights over land:

- 9.6.1 can be purchased without serious detriment to the carrying on of the undertaking; or
- 9.6.2 that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them,

and a certificate is provided to that effect.

- 9.7 PoTLL, NH, the PLA, the EA and NRIL all own land over which NGET is seeking to acquire new rights, and to which this provision could apply, if a representation is made to the appropriate Minister and not withdrawn.

- 9.8 The other statutory undertakers listed in paragraph 9.2 above do not own land which is the subject of compulsory acquisition but hold interests in land which do not engage the provisions in section 16 or schedule 3.
- 9.9 NGET is continuing to negotiate with the statutory undertakers and it does not consider that any of the statutory undertakers would suffer serious detriment as a result of the Project or the acquisition of the relevant land or rights. NGET considers that the land and rights being sought can be acquired without serious detriment to the relevant undertaking and therefore the tests in section 16 and/or paragraph 3 of Schedule 3 to the 1981 Act as appropriate are met.

Gas and Electricity Markets Authority (GEMA) Consent

- 9.10 As explained in section 3 above, NGET is the holder of a 1989 Act Electricity Licence. By virtue of paragraph 2(1) of Schedule 3 to the 1989 Act, no order may be made which authorises the compulsory purchase of land (or rights over land) belonging to another 1989 Act licence holder, unless and until consent to the making of the order has been obtained from GEMA.
- 9.11 The Order Land includes land interests owned by the following 1989 Act licence holders:
- 9.11.1 Electricity generation licence holders: OSSPV001 Limited, Thurrock Flexible Generation Limited, Thurrock Power Limited, and RWE Generation UK Plc.
 - 9.11.2 Electricity Distribution licence holders: South Eastern Power Networks Plc UK Power Networks (Operations) Limited, and UK Power Networks Services (South East) Limited.
- 9.12 None of these parties own land which is either proposed to be acquired or over which rights are proposed to be acquired by the Order. Rather, they have interests such as restrictions on title and unilateral notices (which may be historic), and rights of access. Whilst these are parties who may be entitled to be served with a notice to treat or may be entitled to make a claim for injurious affection if the Order is implemented, the Order will not acquire or extinguish their interests.
- 9.13 Accordingly, the consent of GEMA is not required to the confirmation of the Order.

Land belonging to a local authority

- 9.14 As explained in paragraph 8.35 above, there are slithers of private roads and footways owned by Gravesham and Kent Councils within the Order Land. However, the requirement for special parliamentary procedure in section 17 and Schedule 3 of the 1981 Act in respect of local authority land where a relevant objection is sustained, is disapplied given NGET's status as a statutory undertaker.

Open Space, Common Land, Allotments, National Trust inalienable land, Crown Land

- 9.15 The Order Land does not include any of the above special category land, nor any Crown land.
- 9.16 It is noted that small sections of private road known as Windrush Way, over which construction and operational access rights are sought, form part of a wider area of land which is still shown on the commons register as forming part of the West Tilbury Common.
- 9.17 Those plots were subject of development consent granted to PoTLL in the Port of Tilbury Expansion Order 2019 ("DCO") which came into force on 13 March 2019. Article 37 of the DCO provides that at the beginning of the day on which a relevant order power is first exercised by PoTLL in respect of the special category land that the relevant land shall be discharged from all rights, trusts and incidents to which it was previously subject. PoTLL have exercised relevant order powers over the land (including the execution of a general vesting declaration which they made on 20 December 2023). The relevant land is therefore

no longer common land because the rights have been discharged by the DCO, however it remains on Thurrock Council's register of Common Land until the Council updates its register.

10. DELIVERY AND FUNDING

10.1 Delivery

10.1.1 NGET is part of the National Grid group of companies ("**National Grid**"). National Grid has an excellent track record in delivering infrastructure projects.

10.1.2 NGET has extensive experience of building, operating and maintaining linear infrastructure schemes including electricity systems, both overhead and underground, substations and associated infrastructure.

10.1.3 Notably, NGET has delivered the underground London Power Tunnels 2 project which crosses beneath London and for which compulsory purchase orders were obtained.

10.1.4 NGET has started the process for the procurement of its contractor to deliver the Project. Subject to securing the consents referred to in section 5 above, and to acquiring the necessary land interests it requires for the Project, NGET will be in a position to proceed with the delivery of the Project and the Earliest In Service Date ("**EISD**") is Q4 2028.

10.2 Funding

10.2.1 The estimated costs of the project in 2021/22 prices is £154.5m. As explained in section 4 above, the Project is an ASTI Project. The funding of ASTI projects is explained in Ofgem - Decision on accelerating onshore electricity transmission investment (15 December 2022). ASTI Projects are funded by through Pre-construction funding, early construction funding ("**ECF**") and then an application for full project costs assessment funding.

10.2.2 NGET has already received £8.9m (2018/19 prices) in pre-construction funding to aid surveys, assessment and studies; project design; engineering development; stakeholder consultation; tasks associated with wayleaves; planning applications, and tender activities. To maintain the programme for a 2028 EISD, it will also be necessary to incur spend on early construction activities ahead of finalising the design and tendering for the delivery of the works. The ASTI regime allows for NGET to request ECF at any time up to 20% of the forecasted total project costs.

10.2.3 NGET has also been awarded just under 20% of the total project spend pursuant to an ECF application. This funding can be used for land purchases, early enabling works, early procurement activities and other activities agreed by Ofgem. Ofgem agreed that the rest of the works included in the ECF request were required to ensure timely progression of the projects' main works, and thus reduce overall schedule and cost risk on the project. Ofgem were satisfied that the ECF NGET have requested will accelerate delivery of the wider TKRE Project and that it is in consumers interests for the costs to be incurred early.

10.2.4 The next funding stage will be the full project assessment submission, but it can be seen that NGET has already been awarded a large proportion of the total project costs, and Ofgem have recognised the importance of the Project.

10.2.5 The above process and stage gates for funding is standard for ASTI projects. NGET has extensive experience acquiring rights and land needed for its infrastructure projects, including allowing for unforeseen matters.

10.2.6 NGET has carried out an assessment of the compensation that it expects will arise as a result of the acquisition of the rights and the land in the Order. NGET

have taken expert advice on the likely costs of implementing the project, including the funding of the acquisition of the interests in land described in the Order. NGET is confident that land acquisition costs and potential compensation claims for blight can be fully met as and when they are required under the provisions of the Order, and this would include any “early payments” under the blight provisions of the Town and Country Planning Act 1990.

- 10.2.7 Given the above, and NGET’s strong credit rating, the requisite funding is available to meet the implementation and land acquisition/compulsory purchase compensation costs associated with the Project as and when required (including any advance payments).
- 10.2.8 There is a high degree of certainty that the Project would receive funding because there is a need for the Project to be built, as evidenced by it being listed as an ASTI project. For the reasons set out above, the Secretary of State can be satisfied that all aspects of the Project would be fully funded and that there is no reason to believe that, should the Order be confirmed, the Project would not proceed due to an absence or shortfall in available funding. The Secretary of State can be satisfied that funding will be available for the acquisition of any land and other interests required for the project, for any compensation or blight claims brought by those interested in the land affected by the Order, and for the costs of implementing the project.
- 10.2.9 Accordingly, NGET considers that the criteria in paragraphs 13 and 14 of the Guidance are met.

11. **HUMAN RIGHTS AND EQUALITIES**

- 11.1 Each plot of land described in the Order is required either for the purposes of the Project, or is needed to facilitate, mitigate, or is incidental to the Project.
- 11.2 NGET is taking a proportionate approach to compulsory acquisition and, rather than seeking to acquire the freehold title to all of the Order Land, is seeking to acquire a combination of freehold title (for the SEC and headhouse) and rights (such as rights to install and maintain the newly realigned OHL).
- 11.3 NGET has sought to acquire the rights and interests in land which are required to deliver the Project through private treaty negotiation. Details of the negotiations to date are set out in section 8 of this Statement.
- 11.4 NGET considers that it has taken a proportionate approach to land assembly, having regard to the impact on affected persons. NGET has sought to acquire only such land and/or interests which are necessary for the Project to proceed.
- 11.5 Notwithstanding the efforts that have been made to acquire interests in the land by way of voluntary agreement, as at the date of making the Order, NGET has been unable to secure all of the requisite interests through negotiation. It is therefore necessary to seek compulsory powers to enable the delivery of the Project.
- 11.6 Negotiations to acquire interests by private treaty will continue in parallel with the CPO process. Where an agreement is reached with the owner of any part of the Order Land, that land, save where expressly stated otherwise, will be retained as part of the Order Land. This will enable NGET (and its successors) to acquire any third-party interests that may subsist in the land which might otherwise delay, impede or prevent the implementation or operation of the Project. This is the approach recommended in the General Overview on page 6 of the Guidance.
- 11.7 With regards to Human Rights, Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights (“the Convention”). The position is summarised in paragraph 12 of the General Overview of the Guidance, which states that a compulsory purchase order should only be made where there is “*a compelling case in the public interest*”. The Guidance

makes it clear that an acquiring authority should be sure that the purposes for which it is seeking compulsory acquisition powers sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard to the provisions of Article 1 of the First Protocol to the Convention, and in the case of dwelling, Article 8.

11.8 Article 1 of the First Protocol states that:

"...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."

11.9 Whilst owners and occupiers of the Order Land may be deprived of their property/interest in property if the Order is confirmed, this will be in accordance with the law. NGET is only seeking the acquisition of the freehold title to the Order Land where necessary. The remainder of the Order Land is proposed to be affected by new rights only. There are no residential interests affected by the Order and no persons' lawful occupation will be displaced. The Order is being promoted in the public interest as required by Article 1 of the First Protocol and the public benefits have been set out in detail earlier in this Statement. NGET considers that the Order will strike the right balance between the public interest in the implementation of the Project and those private rights that will be affected by the Order.

11.10 Article 6 of the Convention provides that:

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

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

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

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

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

Equality Act

11.15 The public sector equality duty set out in s149(1) of the Equality Act 2010 does not apply to NGET in making the Order but it has, as a non-public body exercising public functions, had regard to that duty in promoting the Order, and has undertaken a community consultation and landowner engagement exercise.

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

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

12. **THE MINING CODE**

12.1 The mining code in Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 is included within the Order. The land and rights that NGET is seeking pursuant to the Order will not interfere with any mining and minerals rights over such land and so the mining code is being included for the purposes of asset protection, i.e. in order to ensure that NGET's apparatus and equipment are adequately safeguarded and protected in the future.

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

13.1 Paragraph 215.1(vii), Section 14, of the Guidance requires a statement to be included in every statement of reasons which justifies the extent of the scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'.

13.2 Section 6(A) of the Land Compensation Act 1961 ("LCA 1961") provides that "*the no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land*". For the purposes of section 6(A), the "scheme" means the scheme of development underlying the acquisition.

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

13.4 The Order authorises the compulsory acquisition of land and rights needed for the Project.

13.5 The Project is the "scheme" for the purposes of section 6(A).

14. **CONCLUSION**

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

14.2 Paragraph 12.3 of the Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest and explains that there are certain fundamental principles that a confirming minister should consider when deciding whether or not to confirm a compulsory purchase order. These fundamental principles are as follows:

14.3 *That NGET as acquiring authority has a clear idea of how it intends to use the land (or rights over land) which it is proposing to acquire (paragraph 13.3 of the Guidance)*

14.3.1 Section 3 of this Statement describes the infrastructure that will comprise the Project and how the land included in the Order will be used during construction and the operation of the Project.

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

- 14.4 *That the Project is unlikely to be blocked by any physical or legal impediments to implementation (paragraph 15 of the Guidance)*
- 14.4.1 As explained in section 5 of this Statement, planning permission and section 37 consent is reasonably expected to be granted for the Project. There are not considered to be any physical or legal impediments to the implementation of the Project.
- 14.5 *That all the necessary resources are likely to be available within a reasonable time-scale (paragraphs 13.3 and 14.1 of the Guidance)*
- 14.5.1 Section 10 of this Statement explains that NGET has assessed the costs of implementing the Project, and the costs of acquiring the necessary land and rights over land required it and is satisfied that the requisite funding is available to meet the construction and land acquisition/compulsory purchase compensation costs associated with the Project as and when required (including any advance payments and blight claims).
- 14.6 *That the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected and that consideration has been given to the public sector equality duty. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the Convention and, in the case of a dwelling, Article 8 of the Convention (paragraph 12 of the Guidance)*
- 14.6.1 The Order is being promoted in the public interest. NGET considers that the Order will strike the right balance between the public interest in the implementation of the Project and those private rights that will be affected by the Order.
- 14.6.2 As explained in section 7 of this Statement, each plot of land described in the Order is required for the purposes of the Project.
- 14.6.3 Whilst owners of the Order Land may be deprived of their property/interest in land if the Order is confirmed, this will be in accordance with the law and NGET has adopted a proportionate approach in only seeking the acquisition of the freehold title to the Order Land for the SEC and head house. The majority of the Order Land is proposed to be affected by new rights only, there are no residential interests, and no person's lawful occupation will be displaced.
- 14.6.4 Those whose interests are acquired under the Order will be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 14.6.5 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of compulsory purchase powers conferred by the Order would be lawful, justified and proportionate.
- 14.6.6 Whilst it is not a public authority subject to the Public Sector Equality Duty, NGET has had regard to that duty, and does not currently consider that the Project will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic.
- 14.7 *That NGET has taken reasonable steps to acquire all of the land and rights included in the Order by agreement (paragraph 2 of the Guidance).*
- 14.7.1 NGET is committed to securing the necessary land and rights required for the Project by voluntary agreement if at all possible and has made determined and persistent efforts to engage and negotiate with landowners.

- 14.7.2 In order to provide certainty that all the land and rights required for Project can be secured, it has been necessary for NGET to progress the Order in parallel with private treaty negotiations. This is envisaged by paragraph 2 of the Guidance. However, NGET remains committed to continuing to progress negotiations and secure the necessary land and rights by agreement.
- 14.8 Section 14 paragraph (xiv) states that the statement of reasons should contain a summary of the anticipated impacts of the exercises of the compulsory purchase powers and occupiers either generically or individually as appropriate and the mitigation that will be in place to alleviate those impacts. As set out in section 8 of this Statement of Reasons, the acquiring authority has engaged considerably and has nearly reached voluntary agreement on a range of agreements for the acquisition of the land and rights needed. As set out at section 9, where statutory undertakers are affected, the acquiring authority does not consider that any of them would suffer serious detriment as a result of the Project or the acquisition of the relevant land or rights. If the Order is confirmed, relevant parties will be compensated in accordance with the Compensation Code as applicable.
- 14.9 Accordingly, NGET considers that the criteria in the Guidance are satisfied and that there is a compelling case in the public interest for the confirmation of the Order.
15. **FURTHER INFORMATION**
- Negotiation of acquisitions**
- 15.1 Owners and occupiers of land affected by the Project who wish to negotiate a voluntary agreement or discuss matters of compensation should contact NGET's Senior Surveyor, Darren Kempson, by telephone on 07789 271696 or by email to darren.kempson@nationalgrid.com.
- Compensation**
- 15.2 Provision is made by statute with regards to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Ministry for Housing, Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:
- Booklet No. 1 - Compulsory Purchase Procedure.
 - Booklet No. 2 - Compensation to Business Owners and Occupiers.
 - Booklet No. 3 - Compensation to Agricultural Owners and Occupiers.
 - Booklet No. 4 - Compensation for Residential Owners and Occupiers.
- 15.3 These booklets are available to download for free online at:
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>
- 15.4 The Order and Order Maps can be inspected at:
- 15.4.1 Gravesend library Windmill Street, Gravesend DA12 1BE between 10am and 5pm Monday – Saturday, and
- 15.4.2 One Community Development, 134 Dock Rd, Tilbury RM18 7BJ between 9:30am and 5:30pm Monday – Thursday and 9.30am to 12.30pm on Friday
- 15.5 The Order and Order Maps, and documents listed in section 16 below can also be viewed online at
www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects/grain-to-tilbury/document-library

16. **LIST OF DOCUMENTS**

16.1 In the event of a public inquiry or hearing being held in respect of the Order, NGET would intend to refer to or put in evidence the documents listed below. This is not exhaustive, and NGET may also refer to additional documents in order to address any objections made to the Order:

- 16.1.1 The Order **(Document 1)**;
- 16.1.2 The Order Maps **(Document 2)**;
- 16.1.3 Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase Process October 2024) (the Guidance); **(Document 3)**;
- 16.1.4 The Overarching National Policy Statement for Energy (EN-1), November 2023; **(Document 4)**;
- 16.1.5 The National Policy Statement for Electricity Networks Infrastructure (EN-5), November 2023**(Document 5)**;
- 16.1.6 The National Planning Policy Framework December 2023 **(Document 6)**;
- 16.1.7 The Energy White Paper – Powering our Net Zero Future, 2020 **(Document 7)**;
- 16.1.8 The Net Zero Strategy: Build Back Greener, 2021 **(Document 8)**;
- 16.1.9 British Energy Security Strategy (April 2022) **(Document 9)**;
- 16.1.10 Mission Zero Independent Review of Net Zero January 2023 **(Document 10)**;
- 16.1.11 ‘Powering Up Britain’ Energy Security Plan (March 2023) **(Document 11)**;
- 16.1.12 ‘Powering Up Britain’ The Net Zero Growth Plan (March 2023) **(Document 12)** ;
- 16.1.13 Non-Technical Summary of the Environmental Statement accompanying both planning applications (to Thurrock and Gravesham Councils) references 20231313 and 23/01502/FUL **(Document 13)**;
- 16.1.14 Design and Access Statement accompanying the planning applications references 20231313 and 23/01502/FUL**(Document 14)**;
- 16.1.15 Planning Statement accompanying the planning application references 20231313 and 23/01502/FUL **(Document 15)**;
- 16.1.16 Alternatives Chapter from Environmental Statement accompanying the planning applications reference 20231313 and 23/01502/FUL **(Document 16)**;
- 16.1.17 Statement of Community Interest accompanying the planning applications reference 20231313 and 23/01502/FUL **(Document 17)**;
- 16.1.18 Third-party guidance for working near National Grid Electricity Transmission Equipment Technical Guidance Note 287 **(Document 18)**;
- 16.1.19 Code of Practice - Construction Best Practice for Overhead Line Installation December 2021 **(Document 19)**;
- 16.1.20 National Grid Land Rights Strategy **(Document 20)**;

- 16.1.21 TKRE - Decision on Early Construction Funding and Modification to special conditions of the electricity transmission licence, 21 October 2024(**Document 21**);
- 16.1.22 Ofgem - Decision on accelerating onshore electricity transmission investment (15 December 2022)(**Document 22**);.

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

18 November 2024

APPENDIX 1

Drawing showing Project and the Tunnel

APPENDIX 2

Glossary

Term	Definition
1981 Act	Acquisition of Land Act 1981
1989 Act	Electricity Act 1989
ASTI	Ofgem Accelerated Strategic Transmission Investment Framework December 2022
BESS	British Energy Security Strategy April 2022
Compensation Code	Collective term used for the principles set out in Acts of Parliament, principally the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004. This is supplemented by case law, relating to compensation for compulsory acquisition.
CPO	Compulsory Purchase Order
CDM	Construction (Design and Management) Regulations 2015
DCO	Development Consent Order
EA	The Environment Agency
ECF	Early Construction Funding
EIA	Environmental Impact Assessment
EISD	Earliest in Service Date
Energy Security Plan	Powering Up Britain' Energy Security Plan (March 2023)
EWP	Energy White Paper- Powering our Net Zero Future
GEMA	Gas and Electricity Markets Authority
Guidance	Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase Process October 2024)
Kv	Kilovolt
LCA 1961	The Land Compensation Act 1961
MMO	Marine Management Organisation
MOPC	Mayor's Office for Police and Crime

Term	Definition
MVA	Megavolt amperes
National Grid	The National Grid group of companies;
Net Zero Growth Plan	'Powering Up Britain' The Net Zero Growth Plan (March 2023)
Net Zero Strategy	The Net Zero Strategy: Build Back Greener, 2021
NGET	National Grid Electricity Transmission PLC
NH	National Highways
NPPF	National Planning Policy Framework December 2023
NPS	National Policy Statement
NRIL	Network Rail Infrastructure Limited
NSIP	Nationally significant infrastructure project
OD	Ordnance Datum
Ofgem	Office for Gas and Electricity Markets
OHL	Overhead Line
Order	The National grid Electricity Transmission Plc (Grain to Tilbury) Compulsory Purchase Order 2024
Order Land	The land which is subject to compulsory purchase powers pursuant to the Order as shown on the Order Maps
Order Maps	The 9 plans which form part of the Order numbered Sheet 1 of 9, Sheet 2 of 9, Sheet 3 of 9, Sheet 4 of 9, Sheet 5 of 9, Sheet 6 of 9, Sheet 7 of 9, Sheet 8 of 9 and Sheet 9 of 9 and marked "Map referred to in the National Grid Electricity Transmission Plc (Grain to Tilbury) Compulsory Purchase Order 2024
PLA	Port of London Authority
PoTLL	Port of Tilbury London Limited
Project	The tunnel and associated new infrastructure and works as is described in more detail in section 3 of this Statement of Reasons
RSPB	Royal Society for the Protection of Birds
SEC	Sealing End Compound
TKRE	Tilbury to Grain and Tilbury to Kingsnorth
XLPE	Cross Linked Polyethylene

APPENDIX 3
New Rights Packages

TERMS USED IN THE NEW RIGHTS

Term	Meaning
"AIL"	Abnormal Indivisible Load
"Authorised Project"	<p>A new cable tunnel under the River Thames to carry electricity cables including:</p> <ul style="list-style-type: none"> • new cable Sealing End Compounds at each end of the Cable Tunnel; • a new headhouse at each end of the Cable Tunnel; • new Electricity Cable Infrastructure; • new Electric Lines; • temporary construction compounds; • decommissioning of existing Electric Lines; and • ancillary apparatus, works and infrastructure.
"Cable Tunnel"	A concrete cable tunnel with an overall internal diameter not exceeding 4 metres (4.5 metres external diameter) with no part of the tunnel crown being higher than 20 metres below ordnance datum together with any necessary or ancillary apparatus
"Electricity Cable Infrastructure"	Electricity cables (including wires, earth wires, fibre optic cables and other monitoring equipment and communication cables, pipes, coating and ducts) for the transmission and/or distribution of electricity at such voltage as the Acquiring Authority or other licenced operators may for time to time require for the purposes of its or their operations together with other equipment and apparatus associated with or ancillary to such cables
"Electric Lines"	Electric lines and conductors (including wires, earth wires, fibre optic cables and other communication cables, pipes, coatings and ducts and connections) for transmitting and/or distributing electricity at such voltage as the Acquiring Authority or other licenced operators may for time to time require for the purposes of its or their operations together with the towers for supporting the same and any ancillary equipment and apparatus associated with or ancillary to such electric lines and conductors
"Order Land"	The land and rights described in paragraphs 2 and 3 of the Order
"Sealing End Compound"	Sealing end compound consisting of a new tunnel headhouse and new overhead line gantry structures
"Tunnel Protection Zone"	<p>Such part of the subsoil and under surface of the land surrounding the Cable Tunnel comprising a three-dimensional strata of land:</p> <ul style="list-style-type: none"> • the upper limit of which shall be not greater than 6 metres from the top of the Cable Tunnel at the date of the Order;

	<ul style="list-style-type: none"> • the lower limit of which shall be not greater than 6 metres below the bottom of the Cable Tunnel at the date of the Order; and • The lateral limits of which shall be not greater than 3 metres on each side from the external diameter of the Cable Tunnel, <p>for the purposes of safeguarding that area from third party interference to protect the structural integrity of the Cable Tunnel.</p>
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THE NEW RIGHTS TO BE ACQUIRED

Rights	Description of Rights
"Construction Access Rights"	<p>All rights necessary to access, pass and re-pass over the Order Land and adjoining land with or without vehicles, AIL, plant, machinery, apparatus, equipment, materials, personnel and authorised visitors, for the purposes of constructing, installing, commissioning, removing and decommissioning of the Authorised Project, including to:</p> <ul style="list-style-type: none"> • carry out works to facilitate such access including construct, lay down, upgrade, surface, resurface, use and repair the land, form new temporary access, modify road verges and junctions, including any necessary temporary bridging, culverting or diversion of water courses and drains, and the right to remove any such temporary works; • bring cranes and crane pads onto the land for the purposes of siting and installation of the crane pad(s) and to position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment from the construction site; • prevent access on foot, bicycle and access by other non-motorised vehicles, implement traffic and safety access management measures; • install, use, alter, divert, and remove services and utilities, carry out de-watering and drainage works and install, alter or reinstate land drainage systems; • temporarily remove and reinstate any access obstructions, street works, street furniture and height restriction barriers; • erect, maintain and remove temporary fencing and signage; • fell, lop, cut, coppice, uproot trees, shrubs, hedges or bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of the access rights; • make good any damage caused in connection with the exercise of these Construction Access Rights; <ul style="list-style-type: none"> • install, inspect, maintain, repair, alter, renew, replacing and remove monitoring and survey equipment and apparatus. • carry out monitoring, surveys and investigations, including arial surveys (including the right to fly an

	<p>unmanned aircraft over land and to enter and retrieve and recover any such unmanned aircraft from the land); and</p> <ul style="list-style-type: none"> • carry out any activities ancillary or incidental thereto, <p>and rights to prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Construction Access Rights.</p>
<p>“Construction and Operational Access Rights”</p>	<p>All rights necessary to access, pass and re-pass over the Order Land and adjoining land with or without vehicles, AIL, plant, machinery, apparatus, equipment, materials, personnel, and authorised visitors for the purposes of constructing, installing, commissioning, operating, monitoring, inspecting, maintaining, repairing, altering, renewing, replacing, improving, removing and decommissioning of the Authorised Project, including to:</p> <ul style="list-style-type: none"> • carry out works to facilitate such access including construct, lay down, upgrade, surface, resurface, use and repair the land, form new temporary access, modify road verges and junctions, including any necessary temporary bridging, culverting or diversion of water courses and drains, and the right to remove any such temporary works; • bring cranes and crane pads onto the land for the purposes of siting and installation of the crane pad(s) and to position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment from the construction site; • prevent access on foot, bicycle and access by other non-motorised vehicles, implement traffic and safety access management measures; • install, use, alter, divert, and remove services and utilities, carry out de-watering and drainage works and install, alter or reinstate land drainage systems; • temporarily remove and reinstate any access obstructions, street works, street furniture and height restriction barriers; • erect, maintain and remove temporary fencing and signage; • fell, lop, cut, coppice, uproot trees, shrubs, hedges or bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of the access rights; • make good any damage caused in connection with the exercise of these Construction and Operational Access Rights; • carry out any activities ancillary or incidental thereto <p>and rights to prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Construction and Operational Access Rights.</p>

<p>"Construction Rights"</p>	<p>Compound</p>	<p>All rights necessary for the purposes of or incidental to the establishment, use and removal of works compounds associated with the construction, installation, commissioning and decommissioning of the Authorised Project, including to:</p> <ul style="list-style-type: none"> • erect, create, use and remove a works compound which may include temporary cabins and offices, welfare facilities including temporary toilets, electricity generators and car parking provision; • store, stockpile and where necessary use, manage and process plant, machinery, piling equipment, emissions stacks, apparatus, materials (including excavated material) and/or equipment; • enter and be on the land and access the Order Land and adjoining land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; • bring cranes and crane pads onto the land for the purposes of siting and installation of the crane pad(s) and to position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment from the construction site; • lay down, install, adjust, alter, construct, operate, use, maintain, repair, renew and reinstate a temporary haul road and/or through road; • erect and remove temporary fencing, erect hoardings or signage or otherwise secure the compound; • enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); • carry out de-watering and drainage works and install, alter or reinstate land drainage systems; • discharge water into existing drains and watercourses, and install a permanent asset for the purposes of discharging water; • carry out archaeological, environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures; • place, construct, use and remove slurry treatment facilities and associated plant, machinery, apparatus and materials; • install, use and remove artificial lighting; • erect, use, maintain, repair, reinstate and remove temporary scaffolds; • to install, use, alter, divert and remove services and utilities; • fell, lop, cut, coppice, uproot trees, shrubs, hedges or bushes and to clear and remove any and all vegetation
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	<p>which may damage, obstruct or interfere with the exercise of the access rights;</p> <ul style="list-style-type: none"> • reinstate the land and make good any damage caused in connection with the exercise of these Construction Compound Rights; and • carry out any activities ancillary or incidental thereto, <p>and rights to prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Construction Compound Rights.</p>
<p>"Decommissioning Overhead Lines Rights"</p>	<p>All rights necessary for the purposes of or incidental to the removal and decommissioning of Electric Lines, including to:</p> <ul style="list-style-type: none"> • enter and be on the Order Land and access the land adjoining land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; • lay down, install, adjust, alter, construct, operate, use, maintain, repair, renew and reinstate temporary access; • disassemble, remove and fell towers, overhead lines associated apparatus on the land including temporary placement and laydown onto the land for the purposes of removal; • install and remove protection measure for third party structures/assets, including scaffolding; • erect, maintain and remove temporary fencing and signage; • break open the land, excavate and remove tower foundations and reinstate the land; • bring cranes and crane pads onto the land for the purposes of siting and installation of the crane pad(s) and to position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment from the construction site; • store, stockpile and where necessary use, manage and process plant, machinery, piling equipment, emissions stacks, apparatus, materials (including excavated material) and/or equipment; • enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); • carry out de-watering and drainage works and install, alter or reinstate land drainage systems; • install, use, alter, divert and remove services and utilities; • carry out archaeological, environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures; • fell, lop, cut, coppice, uproot trees, shrubs, hedges or bushes and to clear and remove any and all vegetation which may

	<p>damage, obstruct or interfere with the exercise of the access rights;</p> <ul style="list-style-type: none"> • reinstate the land and make good any damage caused in connection with the exercise of these Decommissioning Overhead Line Rights; and • carry out any activities ancillary or incidental thereto, <p>and rights to prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Decommissioning Overhead Lines Rights, including to:</p> <ul style="list-style-type: none"> • prevent the carrying out of any works, excavations or other activities which could reasonably foreseeably undermine the stability, safety and integrity of, or damage or interfere with the decommissioning of Electric Lines; and • prevent any works on or use of the land that would prevent access to the Electric Lines to be decommissioned.
<p>“Drainage Rights”</p>	<p>All rights necessary for the purposes of or incidental to the carrying out of dewatering and drainage works and to install, alter, reinstate or remove land drainage systems and discharge into any drain or watercourse, including to:</p> <ul style="list-style-type: none"> • access the Order Land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus , equipment and materials for such purposes; • protect and prevent damage to or interference with the operation and maintenance of any de-watering and/or drainage works; • make good any damage caused in connection with the exercise of these Drainage Rights; and • carry out any activities ancillary or incidental thereto, <p>and rights to prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Drainage Rights.</p>
<p>“New Overhead Lines Rights”</p>	<p>All rights necessary for the purposes of or incidental to the construction, retention, commissioning, use, operation, protection, maintenance, surveying, inspection, repair, renewal, replacement, removal and decommissioning of Electric Lines, including to:</p> <ul style="list-style-type: none"> • access, enter and be on the Order Land and adjoining land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for such purposes; • lay down, install, adjust, alter, construct, operate, use, maintain, repair, renew and reinstate temporary access; • take all necessary rights of support for the Electric Lines; • install and remove protection measure for third party structures/assets, including scaffolding;

	<ul style="list-style-type: none"> • erect, maintain and remove temporary fencing and signage; • test and commission the Electric Lines and to remedy initial faults and defaults in them at any time prior to the date on which it is energised and ready for operation; • enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); • to pass and re-pass with or without vehicles to temporarily bring cranes and crane pads onto the land for the purposes of siting and installation of the crane pad(s) and to position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment from the construction site; • break open the land, excavate and remove tower foundations and reinstate the land; • carry out de-watering and drainage works and install, alter or reinstate land drainage systems; • install, use, alter, divert and remove services and utilities; • carry out archaeological, environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures; • store, stockpile and where necessary use, manage and process plant, machinery, piling equipment, emissions stacks, apparatus, materials (including excavated material) and/or equipment; • fell, lop, cut, coppice, uproot trees, shrubs, hedges or bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of the access rights; • reinstate the land and make good any damage caused in connection with the exercise of these New Overhead Line Rights; and • carry out any activities ancillary or incidental thereto, <p>and rights to prevent and remove any works, structures, buildings or use of the land which may interfere with or obstruct such access or the exercise of these New Overhead Lines Rights, or cause any damage or risk to safety including to:</p> <ul style="list-style-type: none"> • prevent the carrying out of any works, excavations or other activities which could reasonably foreseeably undermine the stability, safety and integrity of, or damage or interfere with the operation and maintenance of, the overhead Electric Lines; • prevent any works on or use of the land that would prevent access to or the operation and maintenance of the overhead Electric Lines;
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	<ul style="list-style-type: none"> • prevent the erection of any building, works or structure (whether temporary or permanent) or the planting or growing of any plant or tree of any kind in or on the land; • prevent the storing or placing within or under any tower; or • prevent the raising of the level of the surface of the land, <p>without the written consent of the Acquiring Authority (such consent not to be unreasonably withheld or delayed and which consent may be granted subject to reasonable conditions).</p>
<p>“Tunnel and Cable Rights”</p>	<p>All rights necessary for the purposes of or incidental to the construction, retention, commissioning, use, operation, protection, maintenance, surveying, inspection, repair, altering, renewal, replacement, removal and decommissioning of the Electricity Cable Infrastructure, and the construction retention, commissioning, use, operation, retention, maintenance, surveying, inspection, repair, and renewal of the Cable Tunnel, including to:</p> <ul style="list-style-type: none"> • construct and install the Cable Tunnel below the surface of the land; • construct and install the Electricity Cable Infrastructure in the Cable Tunnel; • construct and install cable covers for the Electricity Cable Infrastructure emerging from the Cable Tunnel to the Sealing End Compound; • access the land and enter the Cable Tunnel with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of constructing, commissioning, testing, operating, inspecting, surveying, monitoring, maintaining, repairing and altering the Cable Tunnel and the Electricity Cable Infrastructure; • pass and re-pass with or without vehicles to temporarily bring cranes and crane pads onto the land for the purposes of siting and installation of the crane pad(s) and to position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment from the construction site; • install and retain Cable Tunnel and Electricity Cable Infrastructure monitoring equipment and from time to time, inspect, cleanse, maintain, repair, alter the monitoring equipment; • enter the Cable Tunnel as often as may be required with or without vehicles and at all times with all necessary materials apparatus plant and equipment for the purposes set above and/or for the purpose of access to and egress from other parts of the Acquiring Authority’s Cable Tunnel; • take all necessary rights of support for the Cable Tunnel; • test and commission the Electricity Cable Infrastructure and the Cable Tunnel and to remedy initial faults and defects at any time prior to the date on which the Authorised Project is energised and ready for commercial operation;

	<ul style="list-style-type: none"> • the right to place, attach and install electricity cables for the transmission and distribution of electricity together with all necessary ancillary cables, pipes, equipment, apparatus and fibre optic cables required in connection with the use and operation of the aforementioned electricity cables; • reinstate the land and make good any damage caused in connection with the exercise of these Cable and Tunnel Rights; and • carry out any activities ancillary or incidental thereto.
"Tunnel Protection Rights"	<p>All rights necessary for the purposes of or incidental to the protection of the Cable Tunnel and Tunnel Protection Zone to prevent activities which are likely to cause damage or injury to the Cable Tunnel or to obstruct, interrupt or interfere with the Tunnel Protection Zone or the exercise of the Tunnel and Cable Rights or render access to the Cable Tunnel or Tunnel Protection Zone more difficult or expensive, including:</p> <ul style="list-style-type: none"> • the building, construction, erection or installation of any permanent building or structure or any work of any kind requiring foundations, footings or other supporting structures within the Tunnel Protection Zone; • the withdrawal of lateral or vertical support from the Cable Tunnel and Tunnel Protection Zone; • the undertaking of mining, foundation, piling or percussive works, or works of excavation within Tunnel Protection Zone; • the monitoring of ground displacement surrounding the Cable Tunnel and within the Tunnel Protection Zone, including in relation to the surface land if required; and • the erection, constructing or laying in or upon the land within the Protection Zone any pipes wires cables posts poles timber stone or materials or substance, <p>and rights to enter the Tunnel Protection Zone with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purpose of the exercise of the Tunnel Protection Rights and the Tunnel and Cable Rights.</p>
"Monitoring and Survey Access Rights"	<p>All rights necessary to:</p> <ul style="list-style-type: none"> • enter the land and carry out monitoring, surveys and investigations, including arial surveys (including the right to fly an unmanned aircraft over land and to enter and retrieve and recover any such unmanned aircraft from the land) for Cable Tunnel construction purposes for one year following the completion of the Cable Tunnel; and • to pass and re-pass with or without vehicles for the purposes of installing, inspecting, maintaining, repairing, altering, renewing, replacing and removing monitoring and survey equipment and apparatus.