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**THE ELECTRICITY ACT 1989**

**AND**

**THE ACQUISITION OF LAND ACT 1981**

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

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**STATEMENT OF CASE**

Contents

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<b>Paragraph</b>		<b>Page</b>
1	INTRODUCTION .....	1
2	ROLES OF NGET, NGESO AND SEPN IN THE ELECTRICITY NETWORK .....	1
3	POWERS UNDER WHICH THE ORDER WAS MADE .....	2
4	DESCRIPTION OF THE PROJECT .....	3
5	NEED FOR AND BENEFITS OF THE PROJECT .....	10
6	CONSENTS .....	12
7	ALTERNATIVES.....	14
8	LAND AND NEW RIGHTS REQUIRED .....	17
11	ACQUISITION BY AGREEMENT .....	23
14	DELIVERY AND FUNDING .....	27
15	HUMAN RIGHTS .....	28
19	STATEMENT JUSTIFYING EXTENT OF SCHEME TO BE DISREGARDED FOR THE PURPOSES OF ASSESSING COMPENSATION IN THE 'NO-SCHEME WORLD' .....	31
21	CONCLUSION .....	31
27	FURTHER INFORMATION .....	33
<b>Appendices</b>		
1	SUBSTATION INDICATIVE LAYOUT PLAN.....	41
2	SCHEDULE OF LANDOWNER ENGAGEMENT .....	43
3	LAND AND RIGHTS PACKAGES.....	46
4	OBJECTIONS SUMMARY TABLE AND NEGOTIATIONS UPDATE.....	55

## 1. **INTRODUCTION**

- 1.1 This is the Statement of Case of National Grid Electricity Transmission Plc ("**NGET**") prepared in connection with the National Grid Electricity Transmission (Little Horsted Substation Connection) Compulsory Purchase Order 2022 ("**the Order**") (**CD D1**) which was made by NGET on 24 March 2022 and submitted to the Secretary of State for Business, Energy and Industrial Strategy on 5 May 2022.
- 1.2 If confirmed by the Secretary of State for Business, Energy and Industrial Strategy, the Order will authorise NGET to purchase compulsorily the land and new rights in land required for the construction and operation of a new 400kV NGET Grid Supply Point ("**GSP**") substation, a 132kV South Eastern Power Networks Plc ("**SEPN**") substation and two new pylons within it, and associated works to connect the new GSP substation to the existing 400kV Bolney to Ninfield 4VM overhead electricity line, for which NGET has an Electricity Transmission Licence (as discussed further in section 3 of this Statement).
- 1.3 This Statement is a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (**CD A9**). NGET reserves the right to alter or expand it as necessary.
- 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 8 of this Statement and is shown on the maps (**CD D2**) which form part of the Order.
- 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 As explained in section 21 and the Schedule of Objections at **Appendix 4 (CD D6)** of this Statement, a total of 8 objections were made to the Order. The Secretary of State has therefore directed that a public inquiry should be held to consider and determine whether the Order should be confirmed. The inquiry has been listed to commence on 29 November 2022 and is scheduled for 6 days.

## 2. **ROLES OF NGET, NGESO AND SEPN IN THE ELECTRICITY NETWORK**

### Overview

- 2.1 NGET is one of three Transmission Owners in Great Britain. It owns the high voltage (mainly 400kV & 275kV with some 132kV) National Electricity Transmission System ("**NETS**") in England and Wales. NGET is required to comply with National Electricity Transmission System Security and Quality of Supply Standards ("**NETS SQSS**") which establish a coordinated set of criteria and methodology for planning and operating the NETS.
- 2.2 NGET's obligations include building and maintaining the NETS safely, reliably, economically and efficiently; providing transmission services i.e. making its system available to National Grid Electricity System Operator Ltd ("**NGESO**") to operate; and providing connection

offers to NGENSO in response to users (generator, customer etc) wishing to connect to the NETS. These obligations are imposed on NGET by its Electricity Transmission Licence (**CD F1**), the energy regulator OFGEM, the Electricity Act 1989 ("**Act**") (**CD A5 (extracts)**) and the System Operator Transmission Code ("**STC**"). Rules regarding the quality of supply are contained in the Grid Code and the System Operator Transmission Owner ("**SO-TO**") Codes.

2.3 NGENSO is a System Operator. Its role is to co-ordinate and direct the flow of electricity onto and over the NETS in an economic and co-ordinated manner. NGENSO must maintain system balance minute by minute, and address supply and demand mismatch, generation shortfall and/or high demand and insufficient generation margins to maintain supply. Additionally, NGENSO manages the connection application and offer process in Great Britain between the party wishing to connect to the NETS (generator, customer etc.) and NGET. These obligations are imposed on NGENSO by way of its Transmission Licence (**CD F1**), OFGEM, the Act and several electricity transmission codes (which are for practical purposes multilateral contracts).

2.4 SEPN is a Distribution Network Operator ("**DNO**"). It owns and operates the low voltage (mainly 132kV & below) electricity distribution network in the London region. In the South East, SEPN is often used interchangeably with "**UK Power Networks**". DNOs have similar obligations to Transmission Owners in relation to the safety and reliability of their respective distribution systems.

2.5 In the case of the **Little Horsted Substation Connection Project ("the Project")**, SEPN made a connection request on 18<sup>th</sup> November 2016 through the NGENSO to NGET, for a GSP at Little Horsted consisting of two 240MVA Super Grid Transformers ("**SGT**") for the reinforcement of its network. In accordance with NGET's license obligation, NGET made a connection offer via the NGENSO to SEPN. That offer was accepted on 10<sup>th</sup> May 2018. Subsequently SEPN submitted a modification application to the NGENSO on 30<sup>th</sup> July 2019 requesting additional network capacity due to increased forecast demand in the local area. NGET provided a revised offer, again via the NGENSO to SEPN, which was accepted on 5<sup>th</sup> November 2019. The Project is required to fulfil that offer.

### 3. **POWERS UNDER WHICH THE ORDER WAS MADE**

3.1 The Order was made pursuant to section 10 of, and schedule 3 to, the Act, and having regard to the Department for Levelling Up, Housing and Communities' *Guidance on Compulsory Purchase process and The Criche Down Rules* (July 2019) ("**the CPO Guidance**") (**CD A20**).

3.2 Section 10 of the Act provides that the powers in schedule 3 (which provides for the compulsory acquisition of land) have effect in relation to the holder of a transmission licence.

3.3 NGET holds an Electricity Transmission Licence dated 28<sup>th</sup> September 2001 ("**Licence**") (**CD F1**) granted by the Gas and Electricity Markets Authority under section 6(1)(b) of the 1989 Act. As such, it is empowered to exercise powers of compulsory acquisition.

3.4 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."*

3.5 Paragraph 1(2) of schedule 3 to the Act confirms that "Land" includes any right over land, and that the Secretary of State's power includes power to authorise the acquisition of rights over land by creating new rights, as well as acquiring existing ones. This includes the creation of rights equivalent to an easement and "restrictive rights", akin to restrictive covenants.

3.6 NGET is taking a proportionate approach to compulsory acquisition and, rather than seek to acquire the freehold title to all of the Order Land, is seeking to acquire a combination of freehold title (for the NGET and SEPN substations to ensure safety and security and ecological mitigation land to ensure continuity of the mitigation) and permanent rights (such as rights to install and maintain the realigned overhead lines) as described in more detail in section 8 below.

#### 4. **DESCRIPTION OF THE PROJECT**

##### The Project

4.1 The Project comprises the construction of a new 400kV NGET GSP substation, a 132kV SEPN substation and associated modification works (replacement of an existing pylon with two new pylons) to the existing 400kV Bolney to Ninfield 4VM overhead electricity line to enable the new GSP substation to connect to it.

4.2 The new 400kV NGET GSP will lower the voltage of the electricity flowing through the existing 400kV Bolney to Ninfield 4VM overhead electricity line from 400kV (transmission) to 132kV (distribution). This will allow the new 132kV SEPN substation to connect to it. The new SEPN substation will connect via 132kV underground cables to their Lewes substation, although this connection element is outside the scope of the Project.

4.3 NGET developed a design for the Project for the purposes of seeking planning permission and promoting the Order. This was informed by a wide range of surveys and assessments, including ecological surveys, geophysical surveys, ground investigations (e.g. boreholes), soil surveys, and land drainage assessments. Planning permission was granted on 12<sup>th</sup> November 2021 as explained in section 6 below. The appointed principal contractor will be responsible for further developing the detailed design, including matters such as precise

overhead line alignment, substation micro siting and identifying a suitable location for the low voltage power & communication multicore cabling within the GSP substation.

4.4 NGET has had regard to the Construction (Design and Management) Regulations 2015 ("**CDM**") (**CD A12**) 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) in order 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.

4.5 The component parts of the Project are described below:

**400kV NGET GSP Substation (shown coloured light pink on the CPO maps- Plot No. 35)**

4.6 The NGET GSP substation layout is illustrated on the Proposed 400/132kV substation layout drawing at **Appendix 1** ("**Substation Indicative Layout Plan**"). The component parts are described in more detail below:

4.6.1 Outdoor equipment (shown coloured pink on the Substation Indicative Layout Plan) comprising:

- 4.6.1.1 Civil foundations, structures & earthing for the electrical equipment;
- 4.6.1.2 Lighting, for safe access and egress around the key electrical equipment, buildings, and pathways;
- 4.6.1.3 Electric busbar conductors;
- 4.6.1.4 Post insulators to support the busbar conductors;
- 4.6.1.5 Gantries for the transition between the OHL and substation equipment;
- 4.6.1.6 Capacitive voltage transformer for measuring the operational voltage in the substation;
- 4.6.1.7 Current transformer for measuring the operational current in the substation;
- 4.6.1.8 Disconnectors to electrically isolate the equipment;
- 4.6.1.9 Circuit breakers;
- 4.6.1.10 Earth switches;

- 4.6.1.11 Super Grid Transformers including cooler banks which will be located within a noise enclosure;
  - 4.6.1.12 Surge arrestors;
  - 4.6.1.13 Cable sealing ends for the transition between above ground equipment to underground cables;
  - 4.6.1.14 A Generator which would be used in the event of a failure of the Distribution Network Operator's low voltage electricity supply.
- 4.6.2 Buildings (shown coloured purple on the Substation Indicative Layout Plan),  
which will contain the following:
- 4.6.2.1 Electrical protection and control relay panels;
  - 4.6.2.2 Telecommunication system;
  - 4.6.2.3 Battery and chargers;
  - 4.6.2.4 Low voltage power supply and other auxiliary systems;
  - 4.6.2.5 Storage & workshop space for spare parts and essential maintenance equipment;
  - 4.6.2.6 Office & welfare facilities;
- 4.6.3 Security perimeter fence (indicated by a solid black line with intermittent circles on the Substation Indicative Layout Plan)
- 4.6.3.1 This comprises the electrified security fence around the substation perimeter which incorporates gates for pedestrian and vehicular access/egress to/from the substation.
- 4.6.4 Perimeter Pedestrian Access (shown coloured teal on the Substation Indicative Layout Plan)
- 4.6.4.1 This comprises a two-metre-wide 'buffer' zone around the electrified security perimeter fence to allow inspection of the fence for any security breaches as well as appropriate safety clearance.
- 4.6.5 Car Park (shown coloured dark blue on the Substation Indicative Layout Plan)
- 4.6.5.1 A hardstanding will be provided for car parking.
- 4.6.6 Access Roads (shown coloured grey on the Substation Indicative Layout Plan)

4.6.6.1 Permanent roads within and outside the substation will facilitate vehicular access. These have been designed to accommodate the largest vehicles such as Super Grid Transformer trailers and cranes, which will require access to the substation and include appropriate safety clearances.

4.7 Landscape and Screening (shown coloured light green on the Substation Indicative Layout Plan)

4.7.1 It is a requirement under the planning permission from Wealden District Council that landscape mitigation planting be provided to screen the NGET and SEPN substations.

4.7.2 Screening will be achieved through a combination of tree and shrub planting, and boundary treatments such as hedgerows to help integrate the site into the surrounding landscape.

4.8 Pylons & conductor (indicated by solid orange lines/outlines on the Substation Indicative Layout Plan)

4.8.1 New terminal pylons along with down leads and droppers for the respective circuits.

**132kV SEPN Substation (shown coloured light pink on the CPO maps- Plot No. 35)**

4.9 The SEPN substation layout is illustrated on the Substation Indicative Layout Plan at **Appendix 1**. The component parts are described in more detail below:

4.10 Outdoor equipment (shown coloured bright orange on the Substation Indicative Layout Plan) comprising:

4.10.1 Civil foundations, structures & earthing for the electrical equipment;

4.10.2 Lighting, for safe access and egress around the key electrical equipment, buildings, and pathways;

4.10.3 Electric busbar conductors;

4.10.4 Post insulators to support the busbar conductors;

4.10.5 Cable sealing ends for the transition between above ground equipment to underground cables;

4.11 Underground 132kV Cables (shown coloured dashed brown line on the Substation Indicative Layout Plan)

- 4.11.1 These are the underground 132kV cables, which connect the NGET and SEPN substations together.
- 4.12 Buildings (shown coloured purple on the Substation Indicative Layout Plan), which will contain the following:
  - 4.12.1 Electrical protection and control relay panels;
  - 4.12.2 Telecommunication system;
  - 4.12.3 Battery and chargers;
  - 4.12.4 Low voltage power supply and other auxiliary systems;
- 4.13 Security perimeter fence (indicated by a solid brown line with intermittent circles on the Substation Indicative Layout Plan)
  - 4.13.1 This comprises the electrified security fence which surrounds the SEPN substation boundary and incorporates gates for pedestrian and vehicular access/egress to/from the substation.
- 4.14 Perimeter fence walk access (shown coloured teal on the Substation Indicative Layout Plan)
  - 4.14.1 This comprises a two-metre-wide 'buffer' zone which goes around the electrified security perimeter fence to allow inspection of the fence for any security breaches as well as appropriate clearance.
- 4.15 Access roads (shown coloured grey on the Substation Indicative Layout Plan)
  - 4.15.1 Permanent roads are within and outside the substation to facilitate access based on the largest vehicles such as cranes which will require access to the site as well as appropriate clearances.

**Replacement overhead electricity lines (coloured green on the CPO maps)**

- 4.16 As explained above, two new terminal pylons will be installed within the boundary of the GSP substation, which necessitates realignment of the existing overhead lines.
- 4.17 At pylon 4VM068(A), due to the angle of deviation in the overhead line, the insulator sets will be replaced, and the connection points will be extended to ensure safe operational clearances are maintained.
- 4.18 Similarly, at pylon 4VM070, due to the angle of deviation in the overhead line, the insulator sets will be replaced, and the connection points will be extended to ensure safe operational clearances are maintained.
- 4.19 In addition, the overhead line conductor for the section will be replaced.

**Temporary Construction Compound ("TCC"), Temporary Working Areas ("TWA"), and Temporary Minor Working Areas ("TMWA") for Arcing Horn and Colour plate replacement**

- 4.20 A TCC, TWAs and TMWAs, along with temporary construction access rights, are required to enable the construction of the substations and the overhead line modification.
- 4.21 TCC (coloured red on the CPO maps)
- 4.21.1 A TCC is required to facilitate construction of the NGET GSP and SEPN substations. It will comprise of hardstanding and a perimeter fence and will be used for the storage of plant and machinery and the stockpiling of materials, as well as for the provision of site management offices, parking, and welfare facilities for construction personnel (kitchen facilities, storerooms, toilets) in accordance with Health and Safety and CDM requirements. The TCC will be required for the full duration of the construction period, which is expected to commence in Q1 2023 and continue until Q4 2024.
- 4.22 TWAs (Coloured orange on the CPO maps)
- 4.22.1 TWAs are required along the existing overhead line from pylons 4VM064 to 4VM071. At pylon 4VM064 and 4VM071 the working area is larger area than the typical working area due to the need to set up the proposed conductor replacement stringing apparatus. They will be utilised for laydown of construction plant and equipment and storage whilst works are being undertaken in the vicinity. It is anticipated that the TWAs will be in place for the majority of the construction period.
- 4.23 TMWAs (Coloured grey and light blue on the CPO maps)
- 4.23.1 These areas are required at specific pylons along the existing overhead line route. They will be utilised to replace existing Arcing Horns and/or Colour Plates on pylons to ensure safe operation of the overhead line. To allow safe access around the pylons during the works, vegetation growth and/or bird nest removal may be necessary. It is unlikely that the TMWAs will be in place for the full construction period.
- 4.24 Construction Accesses (Coloured blue on CPO maps)
- 4.24.1 These are required for accessing the TWAs along the existing overhead line between pylons 4VM064 to 4VM071 from the public highway, as well as taking access to and from the TCC. These accesses are required for the purposes of constructing, installing, and commissioning the overhead electrical lines and associated infrastructure. The accesses will have temporary welfare facilities and security personnel to enable 24-hour security patrols. The accesses will be

utilised for laydown of construction plant and equipment and storage whilst works are being undertaken in the vicinity. It is unlikely that these construction accesses will be in place for the full construction period.

4.25 Arcing Horn Accesses (Coloured light green on CPO maps)

4.25.1 These are required for accessing the TMWAs along the existing overhead line between pylons 4VM063 & 72-74 from the public highway to enable replacement of existing Arcing Horns to ensure safe operation of the overhead line and apply earthing to allow the main works to be carried out safely. It is unlikely that these arcing horn accesses will be in place for the full construction period.

4.26 Temporary Colour Plate Access (Coloured dark pink/magenta on CPO maps)

4.26.1 These are required for accessing the TMWAs along specific pylons along the 4VM route from the public highway to enable replacement of existing Colour Plates on pylons to ensure safe operation of the overhead line. It is unlikely that these colour plate accesses will be in place for the full construction period.

**Drainage corridor (shown coloured brown on the CPO maps)**

4.26.2 This is required for the water runoff from the Super Grid Transformer bunds within the GPS which, following treatment, will be conveyed via gravity pipework to outfall headwalls into the Ridgewood Stream watercourse.

4.26.3 Walkway access will be required from the GPS substation to inspect the manholes and the outfall headwalls throughout the operational life of the GPS.

4.26.4 A hardstanding will be required at the headwall to allow inspection and sampling of the water to monitor the outfall water contents.

**Ecological Mitigation Land (shown coloured light pink on the CPO maps- Plot Nos. 58a and 58b)**

4.26.5 As explained in more detail in section 8 below, offsite habitat enhancement and creation is required to mitigate the loss of protected species habitat, including great crested newt (GCN), Hazel Dormice and foraging Bat habitat, identified on the GSP site.

4.26.6 Habitats to be created will include lowland wildflower meadows, scrub and, where appropriate, woodland enhancements. These habitats are appropriate to mitigate the loss of sub-optimal terrestrial habitat for GCN and for foraging Bats; and, the temporary loss of habitat suitable for Hazel Dormice.

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

### **The need for the Project**

- 5.1 As noted in section 2 above, SEPN made a connection request on 18<sup>th</sup> November 2016 through the NGENSO to NGET, for a GSP at Little Horsted consisting of two 240MVA SGT for the reinforcement of its network. Subsequently SEPN submitted a modification application to the NGENSO on 30<sup>th</sup> July 2019 requesting additional network capacity due to increased forecast demand in the Lewes/Newhaven area.
- 5.2 SEPN had initially identified the need to reinforce their existing 132kV distribution network in the Lewes/Newhaven area to maintain security of supply, which under the SQSS criteria triggered the need for a new GSP at Little Horsted consisting of two 240MVA SGT.
- 5.3 However, levels of local demand are anticipated to increase further due to demand for Electric Vehicle (EV) charging, flexible connections, and ongoing decarbonisation initiatives. To maintain future network resilience SEPN therefore requested further demand capacity at Little Horsted as part of the modification application.
- 5.4 Consequently, provision was made at Little Horsted for the future development of two additional 240MVA SGT, which will be required to satisfy this increased demand capacity under the SQSS criteria.
- 5.5 Following the connection application from NGENSO for SEPN to connect to NGET's transmission system, NGET is obliged under its transmission licence and the STC to make an offer to NGENSO (a Transmission Owner Construction Offer ("**TOCO**")) detailing the terms (essentially work, cost and programme) for the connection of SEPN. There are very limited exceptions to NGET's obligation to make a connection offer, which do not apply in the present case. Therefore, the Project is required to fulfil that connection offer.

### **Benefits of the Project**

- 5.6 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).
- 5.7 For the Project, the NPS for Energy (NPS EN-1) (**CD A17**), and the NPS for Electricity Networks Infrastructure (NPS EN-5) (**CD A18**), are considered to be material considerations.

### **NPS for Energy (EN-1) (CD A17) and NPS for Electricity Networks Infrastructure**

**(EN-5) (CD A18)**

- 5.8 The overarching NPS for Energy (NPS EN-1) sets out the Government’s policy for delivery of major energy infrastructure.
- 5.9 Paragraph 2.2.20 notes that it is critical that the UK continues to have secure and reliable supplies of electricity as we transition to a low carbon economy and notes that to manage the risks to achieving security of supply we need sufficient electricity capacity to meet demand at all times and that electricity demand must be simultaneously and continuously met by its supply.
- 5.10 Paragraph 3.7.2 states that both demand and supply of electricity will increase in the coming decades and that existing transmission networks will have to evolve and adapt to handle increases in demand.
- 5.11 Paragraph 3.7.4 states that new electricity infrastructure projects will add to the reliability of the national energy supply and provide crucial national benefits which are shared by all users of the system.
- 5.12 Paragraph 3.7.10 develops this point, noting that there is an “urgent need for new electricity transmission and distribution infrastructure to be provided”.
- 5.13 The Government has recently published, and is currently consulting on, a draft replacement for current NPS EN-1.
- 5.14 Paragraph 2.1.2 of the draft replacement EN-1 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.
- 5.15 Paragraph 2.4.6 of draft EN-1 **(CD A21)** 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.
- 5.16 The Government has recently published, and is currently consulting on, the draft replacement for the NPS on Electricity Networks Infrastructure (EN-5) **(CD A22)**.
- 5.17 Paragraph 1.1.1 of draft EN-5 acknowledges that “as the electricity system grows in dispersion, variety, and complexity, reinforcement of the networks will be necessary to maintain system robustness and security of supply”.
- 5.18 The key benefits that will arise from the Project, which are in-line with the aforementioned paragraphs of NPS EN-1 and EN-5, and draft replacement NPS EN-1 **(CD A21)** and EN-5 **(CD A22)** are:

5.18.1 Meeting energy demand:

5.18.1.1 SEPN forecasts from Q1 of 2024 onwards that in the Lewes/Newhaven area, (which is the area/‘power demand group’ that will be supplied from the existing Bolney to Ninfield overhead line via the Project), electricity demand will exceed more than 100MW. To comply with the SQSS, power demand groups over 100MW need to be restored within 3 hours in the event of two outages (n-2 scenario) occurring in the local distribution network. This requires the distribution network to be reinforced and therefore, the transmission network also needs to be reinforced to meet this increasing power demand.

5.18.2 Energy security/reliability of supply

5.18.2.1 Improving the resilience of the NETS and the SEPN distribution system reduces the risk to consumer supplies under normal and abnormal operating conditions.

5.18.2.2 In addition to ensuring security of supply in Lewes/Newhaven 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.

6. **CONSENTS**

Planning Permission

6.1 Planning permission ref. WD/2021/0733/MAJ for the *“erection of new substation to include new 400kv GSP substation operated by National Grid, new 132kv substation operated by UK Power Networks, single-storey substation amenities building to house welfare facilities and switching room, auxiliary rooms, widening of existing bell mouth to provide permanent access, internal access road, electric fence, parking and associated landscaping”* was granted by Wealden District Council (“**WDC**”) in its capacity as local planning authority on 12 November 2021 (**CD C5**). This authorises the key elements of the Project.

Permitted Development

6.2 Some aspects of the Project are classified as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (“**GPDO 2015**”) and so do not require a specific grant of planning permission. They are:

- 6.2.1 The erection of two new 400kV pylons (68B and 69B) to be located wholly within the NGET GSP substation site that NGET will own once the option they have to purchase the land is exercised (Permitted Development – GPDO 2015 Schedule 2, Part 15, Class B(a) **(CD A13.1)**. All relevant restrictions and conditions to fall within this class of permission development are met).
- 6.2.2 Existing NGET easements will be used for the modification and installation of overhead connection equipment from new pylons to gantries (downleads) (Permitted Development – GPDO 2015 Schedule 2, Part 15, Class B(a) **(CD A13.1)**). All restrictions and conditions met).
- 6.2.3 Temporary protection scaffold over relevant roads, to allow safe re-wiring of the overhead line. (Permitted Development under GPDO 2015 Schedule 2, Part 4 Class A **(CD A13.2)**. Relevant highways approvals for temporary closures and traffic management).

#### Section 37 exemptions

- 6.3 Section 37 of the Act 1989 is the main means of obtaining consent for minor works relating to overhead lines in England unless they are exempted from such a requirement by meeting certain limitations and restrictions under the Overhead Line (Exemption) (England and Wales) Regulations 2009.
- 6.4 The overhead line works associated with the Project under Regulation 3e **(CD A10.1)** are considered to meet these limitations and restrictions and, hence, NGET sought a consenting exemption from WDC and East Sussex County Council ("**ESCC**"), as the relevant Local Planning Authorities, for the following scope of works:
- Removal of pylon 4VM069 to be replaced by pylon 68B
  - A new pylon 4VM69B
  - Removal of the existing overhead line between pylons 4VM070 and 4VM068A to be replaced by two sections of overhead line approximately 20m to the south of the existing position connecting pylons 4VM070 and 4VM068A via the new pylons (4VM068B and 4VM069B) into the proposed substation. The two sections of replacement overhead lines are approximately 238m and 232m in length.
- 6.5 WDC and ESCC responded on 11th May **(CD C3)** and 21<sup>st</sup> July 2021 respectively, to confirm that the works were exempt and did not require a section 37 consent.

#### Additional consents

- 6.6 A number of additional consents/licences will be required to facilitate the Project. These include the following:

- 6.6.1 Approvals from the local planning authority pursuant to the planning conditions contained in the Planning Permission. Conditions 5, 7 and 8 have all been discharged;
  - 6.6.2 European Protected Species Licences for dormice and GNC (these have already been obtained **(CD F5)**);
  - 6.6.3 S278 Highways Act 1980 to connect the access into the substation to the public highway (Eastbourne Road);
  - 6.6.4 Temporary Public Rights of Way closures/ diversions licence;
  - 6.6.5 Permit to discharge surface water drainage outfall.
- 6.7 The aforementioned requirements are typical for this type of development and NGET and their contractors are familiar with the necessary scope of works to fulfil these. They do not present any impediment to the delivery of the Project. 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'.

## 7. **ALTERNATIVES**

- 7.1 To support the identification of a preferred site for the new GSP substation and associated overhead line works, NGET carried out a series of option appraisals between 2018 and 2021 which are summarised below.

### **NGET's Approach to Developing and Delivering New Infrastructure**

- 7.2 NGET's regulatory duties in relation to developing and maintaining an economical and efficient NETS are set out in Section 9 of the Act **(CD A5.1)** and informed by Schedule 9 **(CD A5.5)** of the Act which places a duty on developers such as NGET to 'consider the desirability of preserving amenity'. This includes considering impacts upon communities, landscape, visual amenity, cultural heritage and ecological resources. How National Grid proposes to meet this statutory duty in developing and delivering projects is set out in the commitments contained in its 'Stakeholder, Community and Amenity Policy'<sup>1</sup> **(CD F4)**.
- 7.3 National Grid's 'Our Approach to Options Appraisal'<sup>2</sup>, statutory duties **(CD F3)**.

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<sup>1</sup> Stakeholder, Community and Amenity Policy <https://www.nationalgrid.com/uk/electricity-transmission/document/81026/download> **(CD F4)**

<sup>2</sup> Our Approach to Options Appraisal <https://www.nationalgrid.com/uk/electricity-transmission/document/96531/download> **(CD F3)**

7.4 The 'Horlock' Rules<sup>3</sup> (**CD F2**), guidelines for the design and siting of substations and substation extensions, were established by National Grid in 2009 in pursuance of its duties under the Act to avoid or reduce the environmental effects of such developments.

**'Site selection and options appraisal' (2018)**

7.5 SEPN identified the requirement for a new 400/132kV GSP in the vicinity of the existing National Grid Bolney – Ninfield 4VM 400kV overhead line. In response to this connection request from SEPN, NGET undertook a site options appraisal, the process of which is summarised below.

7.6 In 2018, NGET commissioned a site selection and options appraisal' to help inform the most appropriate location for the proposed GSP substation. As the GSP substation was required to facilitate a connection between SEPN's existing substation at Lewes, and NGET's existing 400kV overhead line between Bolney and Ninfield, locating the new substation as close as possible to the existing overhead line would limit the extent of new overhead line development required. It would also be sufficiently close to SEPN's 132kV Lewes substation to make the underground connection between the two substations economically and technically viable.

7.7 The site selection and options appraisal process identified and focused on a 2km search diameter extending from pylons 4VM058 to 4VM080 of the existing Bolney to Ninfield overhead line as being appropriate ("the **Target Zone**"). The 'Target Zone' comprised an area to the south and south-east of Uckfield, West Sussex.

7.8 As part of the site selection and options appraisal process, a range of environmental and planning constraints were considered and mapped using GIS. The objective of this was to identify locations within the 'Target Zone' where a sufficient area of unconstrained land was available to accommodate the proposed GSP substation.

7.9 The site selection and options appraisal process identified seventeen potential locations for the new GSP substation within the 'Target Zone', in addition to six potential locations that had already been identified by SEPN, giving a total of twenty-three.

7.10 Each of the twenty-three potential locations were then assessed further by site visits to each location. Thirteen of the locations were subsequently determined to be unsuitable for development due to planning and amenity considerations, principally due to proximity of residential properties, visual prominence, access constraints or a combination of all these factors.

7.11 Following the site visits, the ten remaining potential sites were taken forward for further environmental, technical, and economic assessment, including the six sites originally

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<sup>3</sup> <https://www.nationalgrid.com/sites/default/files/documents/13796-The%20Horlock%20Rules.pdf> (**CD F2**)

identified by SEPN, plus four locations identified by the NGET 'Site Selection and Options Appraisal' process.

- 7.12 A more detailed assessment was undertaken of the ten potential sites, based on factors such as proximity to the existing Bolney-Ninfield overhead line, environmental and socio-economic constraints, land use and designations, proximity to settlements/residential properties, sensitive heritage designations and flood zones.
- 7.13 The preferred site was identified as Site 6.

#### **Back-check and Review (2019)**

- 7.14 In July 2019, previously identified sites were re-assessed due to introduced design changes which materially increased the development footprint from approximately 10 acres to circa 25 acres. This backcheck exercise included a review of constraints mapping, a review of the suitability of existing identified sites, identification of any new sites and a review of relevant planning decisions.
- 7.15 This re-assessment resulted in discounting three of the six SEPN sites and two of the NGET sites identified in the 2018 study, but a further four potential sites were identified giving a total of nine sites for further consideration. It was confirmed that tree loss could not be avoided at Site 6. Given the amended boundaries and tree loss that would occur at site 6 (some of which is designated Ancient Woodland), Site 3 (Plot 35) became the preferred option.

#### **Backcheck and Review (November 2020)**

- 7.16 A further backcheck exercise carried out in November 2020, following recognised appraisal methodologies, concluded that:

*'in consideration of the above, the preferred option is Site 3. Although Site 3 and Site Y are similar in terms of potential landscape and visual impacts, there is a preference for Site 3 as this option avoids the construction of new access track infrastructure between the site and the public highway which is likely to increase potential for environmental effect (such as landscape, ecology and archaeology).'*

- 7.17 Site 3 at Crockstead Farm continued to be identified as the most suitable, in comparison to other sites considered, for the following reasons:
- Proximity to the existing Bolney to Ninfield overhead line, limiting the extent of new overhead line development required;
  - Sufficient proximity to SEPN's 132kV Lewes substation to make the underground connection between the two substations economically and technically viable;

- Existing degradation to the landscape character and quality because of equestrian use (e.g., loss of traditional field boundaries / hedgerows, replaced by fencing) and its proximity to the frequently travelled A22 public highway which was considered to effect landscape setting and remoteness of the landscape;
- A greater degree of separation between the GSP substation site and the nearest residential receptor than at the other potential sites;
- Direct access from the public highway with no requirement for additional access tracks and no impacts on Public Rights of Way.

### **Backcheck and Review (November 2021)**

- 7.18 Further environmental assessment and design work has been undertaken at the preferred site at Crockstead Farm to inform a full planning application submitted to the Local Planning Authority, WDC, in early 2021.
- 7.19 The conclusions of the latest backcheck exercise are that Site 3 (Plot 35) remained the preferred option and that additional environmental work, particularly with regard to ecology, undertaken since November 2020 and required to inform planning application determination and discharge planning conditions, has not identified any aspects that would change the outcome of the site selection process. Further technical and cost consideration since November 2020 have also not identified any significant changes. Hence, there are no known site alternatives that would equal or better the selected option, Site 3 at Crockstead Farm.

## **8. LAND AND NEW RIGHTS REQUIRED**

### The Order Land

- 8.1 The Order Land is shown on the maps that accompany the Order. It comprises all of the land required for the construction, operation, repair, maintenance and decommissioning of the Project:

Land along existing Bolney-Ninfield overhead line, to the east and west of the proposed substation site, along which upgrading works will be carried out as part of the Project to replace Arcing Horns

- 8.2 The land due east of the A26 and south of the A22 in the vicinity of towers 4VM074 through to 4VM071 traverses grassland and Hungerhale and High Wood within The East Sussex National Golf Course over a distance of approximately 1.65km.
- 8.3 The overhead line then crosses the A22 Uckfield Bypass onto grassland over a distance of circa 213m in the vicinity of pylon 4VM070.

- 8.4 The overhead lines to the east of pylon 4VM070 are to be realigned to connect to the new pylon 4VM69B within the new NGET GSP substation. The realigned overhead lines cross the Eastbourne Road into the grassland south of High Cross Lake and Park where it is proposed to install the new NGET GSP substation.

NGET GSP and SEPN Substation site and primary compound

- 8.5 The land situated east of Eastbourne Road and North of the A22 on which towers 4VM069B and 068B are located is primarily grassland with small areas of woodland south of High Cross Lake.
- 8.6 The land required for construction of the NGET GPS and SEPN the substations (circa 23.89 acres / 9.67 Hectares to the west of Crockstead Farm, shown shaded light pink and allocated plot no. 35 on the CPO maps) is subject to a 36 month Option agreement dated 11<sup>th</sup> May 2020 between NGET, SEPN and the landowner, Ridgewood Holdings Limited for. The primary compound is located to the south of the substation site being circa 2.75 acres / 1.11 Hectares (shown coloured red on the CPO maps).

Ecological Mitigation Land

- 8.7 This area of land is located approximately 450m to the east of the proposed substation site and directly east of tower 4VM067. It is approximately 20.5 acres / 8.3 hectares in size and comprises primarily arable land with areas of woodland adjacent to the stream. It is ecologically connected to the proposed substation site via outgrown hedges and a watercourse. This land is generally considered to be of low ecological value and would provide the greatest gains for protected species and wider biodiversity. Importantly, it is adjacent to an existing road to allow for ongoing access for maintenance associated with the ecological mitigation works.

Land along the existing Bolney-Ninfield overhead line, to the east of the proposed substation site, along which upgrading works will be carried out to replace Arcing Horns and Colour Plates

- 8.8 East of the substation site the land is primarily grassland with areas of woodland in the immediate vicinity of the stream and field boundaries through to tower 4VM067 over a distance of around 460m.
- 8.9 The section of overhead lines to the west of pylon 4VM068 are to be realigned to connect to the new pylons 4VM68B and 4VM069B within the new NGET GSP substation. The realigned overhead lines cross grassland, a watercourse and scrub north of Crockstead Farm.
- 8.10 East of the ecological mitigation land, the overhead lines traverse arable land through to tower 4VM066 and then Sand Hill Lane.

8.11 Pylon 4VM063, immediately east of the B2192 Road, is located on grassland.

8.12 There will be a requirement to access the following pylons (4VM002 through to 4VM068B which are located on arable land/grassland/woodland) to install replacement 'Colour Identification Plates' (which are required for safety purposes to correctly label and identify the circuit):

- 4VM063 – Grassland
- 4VM062 - Woodland
- 4VM061 – Grassland
- 4VM 60 & 59 - Arable
- 4VM048 – Arable
- 4VM042 & 041 – Grassland
- 4VM036 & 035 – Grassland
- 4VM 034 & 033 – Arable
- 4VM032 - Woodland
- 4VM031 – Grassland within an Area of Outstanding Natural Beauty
- 4VM030 - Woodland within an Area of Outstanding Natural Beauty
- 4VM029 – Fruit and Vegetables within an Area of Outstanding Natural Beauty
- 4VM028 – Grassland within an Area of Outstanding Natural Beauty
- 4VM025,024 & 023 – Grassland within an Area of Outstanding Natural Beauty
- 4VM021 – Grassland within an Area of Outstanding Natural Beauty
- 4VM020 – Woodland within an Area of Outstanding Natural Beauty
- 4VM019 – Grassland within an Area of Outstanding Natural Beauty
- 4VM017 & 16 – Grassland within an Area of Outstanding Natural Beauty
- 4VM015 – Arable within an Area of Outstanding Natural Beauty
- 4VM014 – Grassland within an Area of Outstanding Natural Beauty
- 4VM013, 012 & 011 - Grassland

- 4VM006 – Grassland
- 4VM004 – Woodland
- 4VM003 & 002 - Grassland

## 9. **Freehold Acquisition**

- 9.1 NGET is taking a proportionate approach to acquisition and only seeks to acquire the freehold title to the Order Land for the purposes of above ground permanent infrastructure, namely the NGET GSP substation and the SEPN substations (CPO Plot 35), and to mitigate the impacts of the new substations on the habitat of protected species (CPO Plots 58a and 58b). In all other instances rights in land will be acquired.
- 9.2 The Order Land that NGET seek to acquire is shown coloured light pink on Order maps 3, 4 and 5.
- 9.3 Section 4 of this Statement explains the works which will be undertaken at the substation site (Plot 35) to construct the NGET GSP and SEPN substations. Freehold acquisition is necessary to ensure that NGET and SEPN have the necessary exclusive possession and control of the land required for the safe construction, operation and maintenance of these installations.
- 9.4 A large proportion of the land on which the NGET GSP and SPEN substations will be constructed (Plot 35) comprises habitat suitable for protected species including great crested newt (GCN), common reptiles, hazel dormice, breeding birds, badgers and foraging bats. The construction of the new substations will result in the loss of the majority of these habitats. Off-site land (Plots 58a and 58b) is therefore required to mitigate the loss of these habitats and the impacts on the aforementioned protected species.
- 9.5 The proposed mitigation is to provide alternative, or compensatory habitat suitable for the protected species. Given that the habitat to be lost (9.3ha) exceeds the site area to be provided as compensatory habitat (8.3ha), the quantitative loss must be addressed through qualitative improvements, or 'enhancements' to plots 58a/b.
- 9.6 The creation of compensatory habitat on plots 58a/b is required in order to deliver the Project, as a result of the requirements of the planning permission and protected species licences secured from Natural England.
- 9.7 The planning permission obtained for construction of the substations (detailed in section 6 above), included pre-commencement conditions relating to ecology. In order to discharge those condition, an ecological mitigation and management strategy was prepared and approved by the local planning authority in April 2022. NGET has also secured a protected species licence from Natural England (**CD F5**) (see section 6 above) to carry out works on Plot 35 that would otherwise constitute an offence under wildlife legislation. In order to

secure the licence, NGET has committed to provide compensatory habitat on plots 58a/b to mitigate the impacts on protected species so as to ensure that their conservation status is maintained. The creation of compensatory habitat on plots 58a/b is therefore a legal requirement, pursuant to the Natural England licence, with which NGET must comply in order to deliver the Project.

9.8 NGET requires the freehold of plots 58a and 58b because it is necessary for the compensatory habitat to be secured in the long term, and not reversed by subsequent development of, or incompatible uses of, the land, that are not in keeping with maintaining the favourable conservation status of the species covered by Natural England and the protected species licences.

## 10. **Compulsory acquisition of new rights**

10.1 The new rights sought by NGET 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.

10.2 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.

10.3 The rights packages are defined in full in the Order and are replicated at **Appendix 3** to this Statement. Column 2 to the Schedule to the Order explains whether or not it is proposed to acquire land or new rights in respect of the numbered parcels of the Order Land. Where new rights are proposed to be acquired, the description identifies the name of the appropriate rights package.

10.4 The rights packages may be summarised as follows:

<b>Name of Rights Package</b>	<b>Rights</b>	<b>Colour on CPO Maps</b>
Arcing Horn Access Rights	Rights to take access over the land for the purpose of removing and replacing Arcing Horns.	Light Green
Arcing Horn Rights	Rights to remove and replace Arcing Horns and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Light Blue

Colour Plate Access Rights	Rights to take access over the land for the purposes of removing and replacing safety Colour Plates on pylons, and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Dark Pink/magenta
Colour Plate Rights	Rights to remove and replace safety Colour Plates on pylons, and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Grey
Construction Access Rights	Rights to take access over the land for the purposes of constructing, installing, commissioning etc. the overhead electrical lines, NGET GSP and SEPN substations and associated infrastructure, and land drainage systems, and rights to prevent any works on or use of the land that would prevent those works from being carried out.	Blue
Construction Compound Rights	Rights to erect, create, use, and remove works compound and to reinstate the land thereafter, and rights to prevent any works on or use of the land that would prevent the erection, creation, use or removal of that compound or the reinstatement of the land.	Red
Ecological Mitigation Rights	Rights to install, retain, maintain etc. ecological mitigation measures, and rights to prevent any works on or use of the land that would prevent the installation, retention and maintenance etc. of those measures.	Purple
Ecological Mitigation Access Rights	Rights to take access over the land for the purpose of installing, retaining, maintaining etc. ecological mitigation measures, and rights to prevent any works on or use of the land that would prevent the installation, retention and maintenance of those measures.	Turquoise
Drainage Rights	Rights to carry out de-watering, and to install, retain, maintain etc. land drainage systems, including rights to prevent damage of or access to the land drainage systems.	Brown
Overhead Line Rights	Rights to construct, retain, maintain etc. overhead electricity lines and associated infrastructure, including rights to protect the lines from damage and interference.	Green

Substation Visibility Splay Rights	Rights to maintain a visibility splay to ensure safe vehicular access and egress from/to the substation site, including rights to remove vegetation etc.	Yellow
Working Area Rights	Rights to create and use working areas required in connection with works to install overhead electricity lines and associated infrastructure, and rights to prevent any works on or use of the land that would prevent the creation and use of such working areas.	Orange
Working Area and Ecological Mitigation Access Rights	Rights to create and use working areas required in connection with works to install overhead electricity lines and associated infrastructure, and rights to access land to install and maintain etc. ecological mitigation measures, and rights to prevent any works on or use of the land that would prevent the creation, use and maintenance of such working areas or the taking of access to install and maintain ecological mitigation measures.	Cross-hatched green
Construction and Ecological Mitigation Access Rights	Rights to take access over the land for the purpose of construction and the installation of ecological mitigation measure, and rights to prevent any works on or use of the land that would prevent such access from being taken.	Dark Grey

## 11. **ACQUISITION BY AGREEMENT**

### **Engagement Strategy**

- 11.1 The Schedule to the Order identifies those persons with an interest in the Order Land. NGET has attempted to engage constructively in meaningful discussions with all known owners and occupiers of the Order Land, with a view to acquiring the land and new rights needed for the Project by agreement if at all possible, in accordance with the CPO Guidance.
- 11.2 Engagement with the majority of owners and occupiers commenced in August 2020 in connection with requests for access to survey land to inform development of the Project design and has continued in parallel with promotion of the Order (please see the Schedule of Landowner Engagement at **Appendix 2** for further detail).
- 11.3 Land referencing activities took place in Spring 2021 and continued throughout the planning application process and development of the Project.
- 11.4 National Grid's overarching Land Rights Strategy was adopted in 2010 to provide a consistent methodology for acquiring land and rights for National Grid's infrastructure projects, 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 National Grid's proposals and embodies the principles of the CPO Guidance on seeking to acquire land and rights by negotiation if at all 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.

- 11.5 Negotiations to acquire the land and new rights needed for the Project are being carried out by Fisher German ("**FG**"), acting on behalf of and managed/instructed by NGET, in accordance with the Land Rights Strategy.
- 11.6 Throughout the engagement period, NGET and FG have taken time to explain NGET's land requirements, kept landowners apprised of the Project's progress/programme, and considered feedback received. As a result of this liaison, for example, NGET received feedback associated with the diversion of the overhead lines, between pylon 4VM068 to 070, from a number of landowners in writing and at one-to-one consultation meetings. The feedback primarily related to the location of the overhead line and towers and the impact on views. 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 alignment was moved south as far as possible. Any further realignment south would have significant implications as towers 4VM070 and 4VM068A would have to be upgraded because of the increased angle of turn and consequential adverse impact on operational, engineering and land requirements within the substation and on adjacent land holdings.

## 12. **Progress to date**

- 12.1 As explained above, NGET is taking a proportionate approach to land acquisition and is only seeking to acquire the freehold of the land in two instances - for the two substations and for ecological mitigation. NGET is acquiring lesser interests (i.e. rights in land) where practicable.
- 12.2 An Option Agreement was concluded in May 2020 which enables NGET and SEPN to acquire the freehold of the land required for the NGET GSP and SEPN substations, (shown coloured light pink on the CPO maps and comprising plot number 35). The Option was 'drawn down' in Spring 2022 and the land comprised in plot 35 is now owned by NGET. Plot 35 was however included in the Order to ensure that the Project can be completed in the event that any unknown third party interests come to light which have not been identified despite a thorough land referencing process having been undertaken in advance of the making of the Order.
- 12.3 The Plots numbered 58a and 58b and coloured light pink on the Order maps are owned by the same landowner as the substation site and, as explained in section 8 above, are needed to mitigate the impacts of the proposed GSP substation on the natural habitat of protected

species by enabling the creation of new compensation habitat. It is necessary to acquire the freehold of this land given that the mitigation i.e. the creation and maintenance of new habitat will be required for a minimum for the lifetime of the project which is anticipated to be circa 60 years, and effectively will sterilise the land.

12.4 Letters offering to agree Heads of Terms (“**HoTs**”) for the acquisition of the principal rights needed over the Order Land were issued in July 2021. Following some further design refinement, letters offering to agree Heads of Terms for rights of access to replace colour plates were sent out in November 2021 and January 2022, and for new access rights in February 2022.

12.5 As explained above, **Appendix 2** comprises a schedule of the key stages of engagement with landowners and occupiers to date.

12.6 The table below summaries the current (10 November 2022) position with regards to private treaty negotiations:

	Total No. Required	HoT’s/access in negotiation	HoT’s/ access agreed	Agreements complete
Main works and mitigation land	8	7	0	1
Easements for New Accesses	12	11	2	0
Colour Plates Access	16	15	7	0

12.7 NGET is committed to securing the land and rights needed for the Project by voluntary agreement if at all possible and is continuing to progress negotiations with landowners and occupiers as quickly as possible. However, despite these efforts, NGET has not yet secured all of the interests in the Order Land that it requires for the delivery of the Project. 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 has therefore been necessary for NGET to start the CPO process in parallel with private treaty negotiations. Running the CPO process in parallel with continuing landowner negotiations is expressly envisaged by paragraph 17 of the CPO Guidance and NGET remains fully committed to continuing to progress negotiations throughout the CPO process in order to acquire land by agreement, where possible.

12.8 NGET considers it essential to secure the grant of permanent easements associated with the diversion of the overhead lines rather than wayleaves (whether by negotiation or through an application for a CPO) for the following reasons:

12.8.1 It is in the public interest to obtain the appropriate security for the electricity supply network through the grant of permanent land rights rather than temporary land rights.

12.8.2 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 NETS and to meet demand for electricity from DNOs .

12.9 As paragraph 2.3.2 of draft NPS EN-5 (**CD A22**) 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*".

### 13. **Other assistance and commitments provided to landowners**

13.1 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.

13.2 NGET have set out their commitments to landowners and/or occupiers in a Code of Practice titled 'Construction Best Practice for Overhead Line Installation (GR01365, December 2021)' (**CD F9**) 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.

13.3 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.

- 13.4 There will be continuing dialogue with landowners as construction detail develops.
- 13.5 In the event that voluntary agreements cannot be concluded, parties subject to compulsory acquisition will be entitled to compensation under the Compulsory Purchase Compensation Code ("**Compensation Code**").

## 14. **DELIVERY AND FUNDING**

### 14.1 **Delivery**

- 14.1.1 NGET is part of the National Grid group of companies ("**National Grid**"). NGET, through its parent company National Grid, has an excellent track record in delivering infrastructure projects, including new substations, and has an excellent financial standing as explained below.
- 14.1.2 NGET has extensive experience of building, operating and maintaining linear infrastructure schemes including overhead electricity systems and substations.
- 14.1.3 By way of example, NGET has developed & delivered the following projects:
- 14.1.3.1 Bulls Lodge 400kV substation; this is a new grid supply point substation that connects Network Rail demand capacity requirement.
  - 14.1.3.2 Barking 132kV substation; this is a grid supply point substation that connects London Power Networks, which is part of UK Power Networks.
  - 14.1.3.3 Highbury 400kV substation; this is a new grid supply point substation that connects London Power Networks, which is part of UK Power Networks. This project was delivered as part of the London Power Tunnel project 1.
- 14.1.4 The following provides a high-level overview of the delivery programme for the Project:
- 14.1.4.1 The procurement process, which will lead to the appointment of the principal contractor, commenced in Q1 of 2022 and the process is on track for the contract to be awarded in Q3 2022.
  - 14.1.4.2 The pre-enabling ecological works commenced in Q2 of 2022, within the ecological season window.
  - 14.1.4.3 Post contract award, the principal contractor will conduct detailed design work, which will be required before the commencement of

construction works, and place orders for the required substation and overhead line equipment.

14.1.4.4 The principal contractor will mobilise onsite and commence construction activities, which are planned for Q1 of 2023.

14.1.4.5 The construction end date, including commissioning & testing, is planned for Q4 of 2024.

## 14.2 **Funding**

14.2.1 NGET is responsible for developing, constructing, and financing the NGET 400kV GSP substation and modification to the existing 400kV Bolney to Ninfield overhead electricity line as described in section 4. It is also responsible for the payment of compensation for the acquisition of land and rights required for the Project whether pursuant to a voluntary agreement or the Compensation Code.

14.2.2 NGET investments inclusive of this Project are funded via Ofgem's regulatory framework known as RIIO T2 (Revenue = Incentives + Innovation + Outputs). Ofgem reviews the level of funding provided on a periodic basis at the start of each price control period. As part of the RIIO-T2 price control determination, funding was provided for the Little Horsted Connection project, where Ofgem reviewed and approved the needs case and associated costs for the project.

14.2.3 Given National Grid's strong credit rating, the requisite funding is available to meet the implementation and land acquisition/compulsory purchase compensation costs associated with the Project as and when required (including any advance payments).

14.2.4 Accordingly, NGET considers that the criteria in paragraphs 13 and 14 of the CPO Guidance are satisfied.

## 15. **HUMAN RIGHTS**

15.1 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.

15.2 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 NGET and SEPN substations to ensure safety and security and ecological mitigation land to ensure continuity of the mitigation) and rights (such as rights to install and maintain the realigned overhead lines).

- 15.3 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 9 of this Statement.
- 15.4 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.
- 15.5 Notwithstanding the efforts that have been made to acquire interests in the land by way of voluntary agreement, as at the 11 November 2022, 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.
- 15.6 Negotiations to acquire interests by private treaty are continuing 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 at page 6 of the CPO Guidance.
- 15.7 With regard to Human Rights, Section 6 of the Human Rights Act 1998 (**CD A6.1**) prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights ("**the Convention**"). The position is summarised in paragraph 12 of the CPO Guidance, which states that a compulsory purchase order should only be made where there is "*a compelling case in the public interest*". The CPO 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, in particular, to the provisions of Article 1 of the First Protocol to the Convention, and in the case of dwelling, Article 8.
- 15.8 Article 1 of the First Protocol states that:
16. *"...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..."*
- 16.1 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. 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.

16.2 Article 6 of the Convention provides that:

17. *"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."*

17.1 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.

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

17.3 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.

17.4 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.

## 18. **Equality Act**

18.1 NGET has, as a non-public body exercising public functions, had regard to the public sector equality duty set out in s149(1) of the Equality Act 2010 (**CD A11.1**) and has, in promoting the Order, and has undertaken a community consultation and landowner engagement exercise.

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

18.3 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.

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

19.1 Paragraph 196(v), Section 12, of the CPO 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'.

19.2 Section 6(A) of the Land Compensation Act 1961 ("LCA 1961") (**CD A1.2**) 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.

19.3 Section 6 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.

19.4 The Order authorises the compulsory acquisition of land and rights needed for the Project. The Project is the "scheme" for the purposes of section 6(A).

20. **OBJECTIONS TO THE ORDER**

20.1 A total of 8 objections were made to the Order.

20.2 The table at **Appendix 4** of this Statement details those objections, summarises their grounds of objection, and sets out NGET's response and the current status of the objections.

20.3 The following objections have now been withdrawn:

20.3.1 SGN (OBJ 5)

20.3.2 Hamilton Palace Limited (OBJ 6)

20.3.3 Agnes Gnoumou (OBJ 7)

20.3.4 Ahmed Ben-Zarti (OBJ 8)

21. **CONCLUSION**

21.1 By virtue of section 10 (**CD A5.2**) and Schedule 3 (**CD A5.4**) of the Act, NGET may be authorised to purchase compulsorily land and rights in land.

21.3 Paragraph 12 of the CPO 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:

22. **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 of the CPO Guidance)**

22.1 Section 4 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 operation of the Project.

22.2 All of the rights and interests in land proposed to be acquired under the Order are required for the purpose of the Project and are reasonable and proportionate. 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.

23. **That the Project is unlikely to be blocked by any physical or legal impediments to implementation (paragraph 15 of the CPO Guidance)**

23.1 As explained in section 6 of this Statement, Planning Permission has been granted for the Project. There are not considered to be any physical or legal impediments to the implementation of the Project.

24. **That all the necessary resources are likely to be available within a reasonable time-scale (paragraphs 13 and 14 of the CPO Guidance)**

24.1 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).

25. **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 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 CPO Guidance)**

25.1 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.

- 25.2 As explained in sections 4 and 9 of this Statement, each plot of land described in the Order is required for the purposes of the Project.
- 25.3 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 and NGET has adopted a proportionate approach in only seeking the acquisition of the freehold title to the Order Land in two specific circumstances i.e. for the NGET GPS and SEPN substations and ecological mitigation; the majority of the Order Land is proposed to be affected by new rights only.
- 25.4 Those whose interests are acquired under the Order will be entitled to compensation which will be payable in accordance with the Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 25.5 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.
26. **That NGET has taken reasonable steps to acquire all of the land and rights included in the Order by agreement (paragraph 2 of the CPO Guidance).**
- 26.1 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. It has secured an Option over the land required for the substations and is continuing to progress negotiations for Heads of Terms for the remainder of the Order Land.
- 26.2 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 CPO Guidance. However, NGET remains committed to continuing to progress negotiations and secure the necessary land and rights by agreement.
- 26.3 Accordingly, NGET considers that the criteria in the CPO Guidance are satisfied and that there is a compelling case in the public interest for the confirmation of the Order.
27. **FURTHER INFORMATION**
28. **Negotiation of acquisitions**
- 28.1 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 appointed land

agent, Fisher German by telephone on 01227 477870 or in writing to Address: Fisher German, Court Lodge Farm Offices, Godmersham Park, Canterbury, Kent CT4 7DT.

29. Compensation

29.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of guides published by the Department for Housing, Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

- Guide 1 – Compulsory Purchase Procedure **(CD F11)**.
- Guide2 – Compensation to Business Owners and Occupiers **(CD F12)**.
- Guide 3 – Compensation to Agricultural Owners and Occupiers **(CD F13)**.
- Guide 4 – Compensation for Residential Owners and Occupiers **(CD F14)**.

29.2 These guides are available to download for free online at:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

29.3 A copy of this Statement of Case, the Order and maps are available for inspection at  
<https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/little-horsted>

29.4 Copies of the following documents which are referred to in this Statement of Case may also be viewed online at <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/little-horsted>

## CORE DOCUMENTS LIST

A	LEGISLATION, GOVERNMENT AND OTHER CENTRAL GUIDANCE
<b>Legislation</b>	
1.	Land Compensation Act 1961
1.1.	Part 1
1.2.	Section 6A
2.	Compulsory Purchase Act 1965
2.1.	Section 7
2.2.	Section 10
3.	The Wildlife and Countryside Act 1981
4.	Acquisition of Land Act 1981
4.1.	Schedule 3
5.	Electricity Act 1989
5.1.	Section 9
5.2.	Section 10
5.3.	Section 38
5.4.	Schedule 3
5.5.	Schedule 9
6.	Human Rights Act 1998
6.1.	Section 6
7.	Countryside and Rights of Way Act 2000
8.	Natural Environment and Rural Communities Act 2006
9.	Compulsory Purchase (Inquiries Procedure) Rules 2007
10.	Overhead Line (Exemption) (England and Wales) Regulations 2009
10.1.	Regulation 3(1)(E)
10.2.	Regulation 4
10.3.	Regulation 5
11.	Equality Act 2010
11.1.	Section 149

12.	Construction (Design and Management) Regulations 2015
13.	Town and Country Planning (General Permitted Development) (England) Order 2015
13.1.	Schedule 2, Part 15, Class B
13.2.	Schedule 2, Part 4, Class A
14.	The Conservation of Habitats and Species Regulations 2017
15.	Town and Country Planning (Environmental Impact Assessment) Regulations 2017
16.	Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017
<b>Government Guidance</b>	
17.	National Policy Statement for Energy (EN-1) (July 2011)
18.	National Policy Statement for Electricity Networks Infrastructure (EN-5) (July 2011)
19.	National Planning Policy Framework 2019
20.	The Department for Levelling Up, Housing and Communities Guidance on Compulsory Purchase process and The Crichel Down Rules (July 2019)
21.	Draft replacement of the National Policy Statement for Energy (EN-1) (September 2021)
22.	Draft replacement of the National Policy Statement for Electricity Networks Infrastructure (EN-5) (September 2021)

<b>B</b>	<b>REGIONAL GUIDANCE</b>
1.	Saved policies of the adopted Wealden Local Plan (1998)
2.	Wealden District Core Strategy Local Plan (February 2013)

<b>C</b>	<b>PLANNING PERMISSION AND RELATED PLANNING APPLICATION DOCUMENTS</b>
1.	Notification to Wealden DC Ref: WD/2021/0837/OH (29 March 2021)
2.	Wealden DC Officer Report in respect of Planning Permission bearing reference: WD/2021/0837/OH (11 May 2021)
3.	Wealden DC Notification for Section 37 Exemption in respect of Planning Permission Ref: WD/2021/0837/OH (11 May 2021)
4.	Wealden DC Officer Report in respect of Planning Permission bearing reference: WD/2021/0733/MAJ (4 November 2021)
5.	Wealden DC Planning Permission Ref: WD/2021/0733/MAJ (12 November 2021)

6.	Wealden DC Discharge Letter for Conditions 7 and 8 in respect of Planning Permission Ref: AMB/WD/2022/0422/CD (22 April 2022)
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<b>D</b>	<b>COMPULSORY PURCHASE ORDER AND RELATED DOCUMENTS</b>
1.	Order
2.	Sealed CPO Maps numbered 1 - 25
3.	Statement of Reasons
4.	Outline Statement of Case
5.	Statement of Case
6.	Schedule of Objections
7.	Letter of Objection - Istock Bricks (Obj 1)
8.	Letter of Objection - Swynson Limited (Obj 2) and East Sussex National Limited (Obj 3)
9.	Letter of Objection - Ridgewood Holdings Limited (Obj 4)
10.	(Document Number Not Used)
11.	Response to Objection - Istock Bricks (Obj 1)
12.	Response to Objection - Swynson Limited (Obj 2) and East Sussex National Limited (Obj 3)
13.	Response to Objection - Ridgewood Holdings (Obj 4)
14.	(Document Number Not Used)
15.	(Document Number Not Used)
16.	(Document Number Not Used)

<b>E</b>	<b>ADDITIONAL PLANS</b>
1.	Key Works Overview Plan
2.	CPO Maps Key Plan

<b>F</b>	<b>MISCELLANEOUS</b>
1.	National Grid Electricity Transmission Plc's Transmission Licence (28 September 2001)
2.	National Grid's 'Horlock' Rules (2009)
3.	National Grid's 'Our Approach to Options Appraisal' (2012)
4.	National Grid's 'Stakeholder, Community and Amenity Policy' (December 2016)

5.	Protected Species Licence(s) from Natural England (2022)
5.1.	Great Crested Newt Mitigation Licence
5.1.1.	Annex: Special Conditions to Individual Great Crested Newt Mitigation Licence; and Figures
5.1.2.	Work Schedule for Great Crested Newt Annexed Licences
5.2.	Dormouse Mitigation Licence
5.2.1.	Annex: Special Conditions to Hazel Dormouse Individual Mitigation Licence; and Figures
5.2.2.	Work Schedule for Hazel Dormouse Annexed Licence
6.	National Grid Electricity Transmission Plc's Transmission Licence (April 2021)
7.	National Grid Electricity Transmission Plc's Special Conditions (April 2021)
8.	National Grid Electricity Transmission Plc's Standard Conditions (May 2021)
9.	National Grid's 'Construction Best Practice for Overhead Line Installation' (December 2021)
10.	National Grid's 'Ecological Mitigation and Management Strategy' (January 2022)
11.	Department for Housing, Communities and Local Government Compulsory Purchase and Compensation - Guide 1 - Compulsory Purchase Procedure
12.	Department for Housing, Communities and Local Government Compulsory Purchase and Compensation - Guide 2 - Compensation to Business Owners and Occupiers
13.	Department for Housing, Communities and Local Government Compulsory Purchase and Compensation - Guide 3 - Compensation to Agricultural Owners and Occupiers
14.	Department for Housing, Communities and Local Government Compulsory Purchase and Compensation - Guide 4 - Compensation for Residential Owners and Occupiers

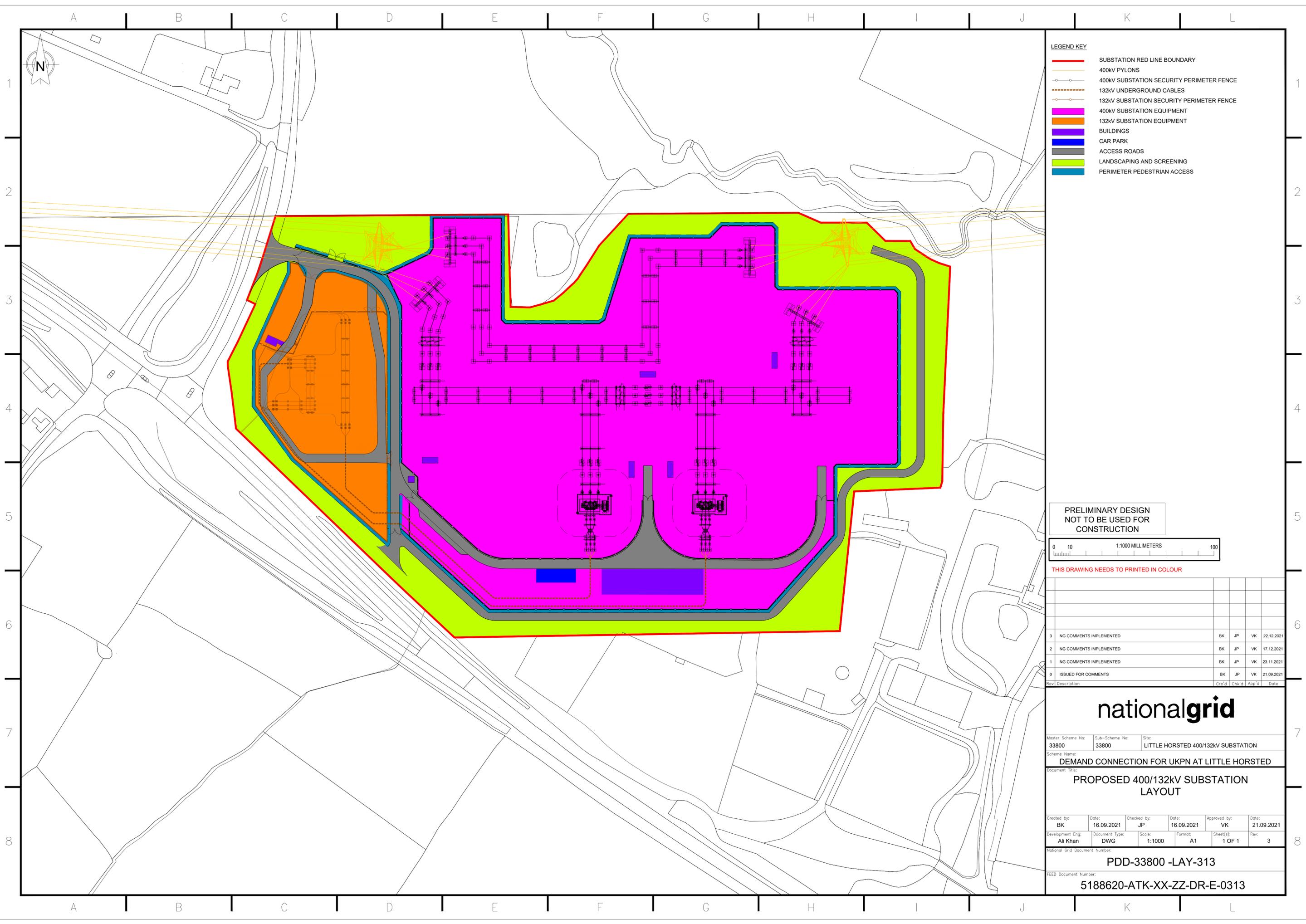
## GLOSSARY

<b>Term</b>	<b>Definition</b>
"Act"	The Electricity Act 1989
"CDM"	Construction (Design and Management) Regulations 2015
"CPO Guidance"	Department for Housing, Communities and Local Government's <i>Guidance on Compulsory Purchase process and The Crichel Down Rules</i> (July 2019)
"DNO"	Distribution Network Operator
"ESCC"	East Sussex County Council
"GCN"	Great Crested Newt
"GDPO 2015"	the Town and Country Planning (General Permitted Development) (England) Order 2015
"GSP"	Grid Supply Point
"Licence"	Electricity Transmission Licence
"NETS"	National Electricity Transmission System
"NETS SQSS"	National Electricity Transmission System Security and Quality of Supply Standards
"NGESO"	National Grid Electricity System Operator Ltd
"NGET"	National Grid Electricity Transmission Plc
"NPS"	National Policy Statements
"NSIPs"	Nationally Significant Infrastructure Projects
"Order"	National Grid Electricity Transmission (Little Horsted Substation Connection) Compulsory Purchase Order 2022
"Order Land"	the land included in the Order
"PILs"	Persons with an Interest in Land

<b>Term</b>	<b>Definition</b>
"Project"	Little Horsted Substation Connection Project
"SEPN"	South Eastern Power Networks Plc
"SGT"	Super Grid Transformers
"STC"	System Operator Transmission Code
"Substation Indicative Layout Plan"	The NGET GSP substation layout is illustrated on the Proposed 400/132kV substation layout drawing at Appendix 1
"TCC"	Temporary Construction Compound
"TMWA"	Temporary Minor Working Areas
"TOCO"	Transmission Owner Construction Offer
"TWA"	Temporary Working Areas
"UK Power Networks"	Parent company of SEPN
"WDC"	Wealden District Council

**APPENDIX 1**

SUBSTATION INDICATIVE LAYOUT PLAN



**LEGEND KEY**

	SUBSTATION RED LINE BOUNDARY
	400kV PYLONS
	400kV SUBSTATION SECURITY PERIMETER FENCE
	132kV UNDERGROUND CABLES
	132kV SUBSTATION SECURITY PERIMETER FENCE
	400kV SUBSTATION EQUIPMENT
	132kV SUBSTATION EQUIPMENT
	BUILDINGS
	CAR PARK
	ACCESS ROADS
	LANDSCAPING AND SCREENING
	PERIMETER PEDESTRIAN ACCESS

PRELIMINARY DESIGN  
NOT TO BE USED FOR  
CONSTRUCTION



THIS DRAWING NEEDS TO PRINTED IN COLOUR

Rev	Description	Cre'd	Chk'd	App'd	Date
3	NG COMMENTS IMPLEMENTED	BK	JP	VK	22.12.2021
2	NG COMMENTS IMPLEMENTED	BK	JP	VK	17.12.2021
1	NG COMMENTS IMPLEMENTED	BK	JP	VK	23.11.2021
0	ISSUED FOR COMMENTS	BK	JP	VK	21.09.2021

**nationalgrid**

Master Scheme No: 33800 Sub-Scheme No: 33800 Site: LITTLE HORSTED 400/132kV SUBSTATION  
Scheme Name: DEMAND CONNECTION FOR UKPN AT LITTLE HORSTED

Document Title: PROPOSED 400/132kV SUBSTATION LAYOUT

Created by: BK	Date: 16.09.2021	Checked by: JP	Date: 16.09.2021	Approved by: VK	Date: 21.09.2021
Development Eng: Ali Khan	Document Type: DWG	Scale: 1:1000	Format: A1	Sheet(s): 1 OF 1	Rev: 3

National Grid Document Number: PDD-33800 -LAY-313  
FEED Document Number: 5188620-ATK-XX-ZZ-DR-E-0313

## APPENDIX 2

### SCHEDULE OF LANDOWNER ENGAGEMENT

A summary of the stages and timelines of landowner interaction is provided below:

Date	Description of engagement
May 2020	Option agreement for substation site completed
August 2020	Site meeting with owner of Crockstead Farm (option land) to discuss project details  Survey access request issued to main landowners  Contact referencing commenced
September 2020	Survey access requests sent to PILs (Persons with an Interest in Land) bordering substation location and other key locations
April 2021	Initial letters sent to Phase 1 PILs (for the main works & easements) with datasheet request (seeking confirmation of land interests and contact details)
May 2021	Letters sent to Phase 1 PILs to chase unreturned datasheets
July 2021	Heads of Terms (HoTs) letters sent to Phase 1 PILs  Follow-up letter sent to Phase 1 PILs (2 <sup>nd</sup> attempt) concerning HoTs  Calls with PILs & agents to discuss queries and provide explanations
August 2021	Follow-up emails and calls to Phase 1 PILs to seek to confirm details  Site meetings with PILs and agents where requested
September 2021	Project programme update letters sent to Phase 1 PILs  Initial letters sent to Phase 2 PILs (regarding additional access rights where apparatus not accessible from the nearest public highway under existing rights) with datasheet requests  Site meetings with PILs & agents
October 2021	Letters sent to Phase 1 PILs advising them formally of NGET's intention to seek a CPO (Compulsory Purchase Order)

November 2021	<p>Letters sent to Phase 2 PILs advising them formally of NGET's intention to seek a CPO</p> <p>Initial letters sent to Phase 3 PILs (upgrade wayleave to easement where named grantor out of date and/or to obtain rights to undertake works) with datasheet request</p> <p>Follow-up letter sent to Phase 1 PILs (3<sup>rd</sup> attempt) to seek to agree HoTs</p> <p>Negotiation of easement terms with responsive PILs</p> <p>Ongoing responses to PIL &amp; agent queries</p>
December 2021	<p>Letters sent to Phase 2 &amp; 3 PILs to follow-up unreturned datasheets</p> <p>Discussion with landowner re. Option land and works to clear spoil from it prior to exercise of the Option</p>
January 2022	<p>Letters with datasheets sent to 16 additional Phase 3 PILs (additional access over private roads, or where additional titles identified as affected by colour plate working areas)</p> <p>8 datasheets received back from Phase 3 PILs</p>
February 2022	<p>Letters sent to 11 Phase 3 PILs enclosing HoTs</p>
March 2022	<p>Arrange access for surveys and ecology mitigation works on Crockstead Farm</p> <p>Continued correspondence with PILs and agent to seek voluntary rights</p> <p>Book of Reference prepared</p> <p>CPO made</p>
April 2022	<p>Activate option and acquire land for substation</p> <p>Erect and monitor CPO site notices at plots with no registered title or unknown beneficiaries</p> <p>Continued correspondence with PILs and agents to seek voluntary rights, including Crockstead Farm, and answer queries relating to CPO notices including misunderstanding over acquisition of land</p>
May 2022	<p>Monitor and remove CPO site notices</p>

	Continued correspondence and site meetings with PILs and agents to seek voluntary rights
June 2022	Continued correspondence and site meetings with PILs and agents to seek voluntary rights
July 2022	Responses to formal objections sent, and followed up informally  Continued correspondence with PILs and agents to seek voluntary rights
August 2022	Continued correspondence and site meetings with PILs and agents to seek voluntary rights  Further informal responses to objections seeking to agree works and withdraw objections  11 (of 36 agreements) detailed HoTs sent where PILs willing to negotiate, with 5 agreed and solicitors instructed.
September - October 2022	Continuing meetings and correspondence with agents and PILs to seek to agree HoTs for easements and working area rights, including with objectors to seek to mitigate impact and enable withdrawal of objections.
November 2022	Further discussions with agents and PILs to see where there might be voluntary rights agreed.  Seven agreements with solicitors, with PILs being urged to put pressure on their advisors to move documentation forward swiftly. Further instructions are expected shortly.  Regular discussion with two remaining objectors to seek to agree temporary rights required.

### APPENDIX 3

#### 30. LAND RIGHTS PACKAGES

<b>Name of Rights Package</b>	<b>Rights</b>	<b>Colour on CPO Maps</b>
Arcing Horn Access Rights	Rights to access the land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, for the purposes of installing, altering, renewing, replacing and removing Arcing Horns, including rights to carry out works to facilitate such access, such as vegetation clearance, and rights to prevent any works on or use of the land that would prevent such access from being taken.	Light Green
Arcing Horn Rights	All rights necessary for the purposes of or incidental to installing, altering, renewing, replacing and removing Arcing Horns, including rights to:  enter and be upon the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;  carry out incidental works to allow safe access to the pylons such as vegetation clearance and bird nest removal;  apply a temporary electricity earthing system to pylons;  replace permanent colour plates on pylons;  and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.	Light Blue
Colour Plate Access Rights	Rights to access the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, for the purposes of or incidental to installing, altering, renewing, replacing and removing Colour Plates on pylons, including rights to carry out works to facilitate such access, such as vegetation clearance and to prevent any works on or use of the land that would prevent such access from being taken.	Dark Pink/magenta
Colour Plate Rights	All rights necessary for the purposes of or incidental to installing, altering, renewing, replacing and removing Colour Plates on pylons, including rights to:	Grey

	<p>enter and be upon the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>carry out incidental works to allow safe access to the pylons such as vegetation clearance and bird nest removal;</p> <p>apply a temporary electricity earthing system to pylons;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Construction Access Rights	<p>Rights to access the land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of or incidental to constructing, installing, commissioning, altering and inspecting, the overhead electrical lines, substation and associated infrastructure, and installing, altering or reinstating land drainage systems, including rights to:</p> <p>carry out works to facilitate such access such as clearing vegetation, and constructing, laying down, using and removing access roads, including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities;</p> <p>install, use and remove temporary welfare facilities and security camera towers for security personnel to enable 24-hour security patrols,</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Blue
Construction Compound Rights	<p>All rights necessary to erect, create, use, and remove a works compound which may include welfare facilities containing portable toilets, portable cabins, offices, and electricity generators, including rights to:</p> <p>store and stockpile and where necessary use manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment;</p> <p>access the compound area with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p>	Red

	<p>erect, use and remove fencing, hoardings, signage and/or otherwise secure the compound;</p> <p>install, use, and remove artificial lighting;</p> <p>install, use, alter, divert, and remove services and utilities;</p> <p>carry out drainage works and install, alter and remove temporary drainage systems;</p> <p>erect, use, maintain, repair, reinstate and remove temporary scaffolds;</p> <p>carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Ecological Mitigation Rights	<p>All rights necessary at all times for the purposes of or incidental to installing, creating, using, retaining, maintaining, inspecting and removing ecological mitigation measures including rights to:</p> <p>trim or lop trees, bushes, crops and other vegetation such as hedgerows, and to retain, inspect &amp; maintain the vegetation growth;</p> <p>install and remove any equipment to allow mitigation to take place such as boxes and ecology fences/gates;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Purple
Ecological Mitigation Access Rights	<p>Rights to access the land, at all times, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of or incidental to installing, creating, using, retaining, maintaining, inspecting and removing ecological mitigation measures including rights to:</p> <p>trim or lop trees, bushes, crops and other vegetation such as hedgerows, and to retain, inspect &amp; maintain the vegetation growth;</p>	Turquoise

	<p>install and remove any equipment to allow mitigation to take place such as boxes and ecology fences/gates;</p> <p>including rights to carry out works to facilitate access such as vegetation clearance, and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Drainage Rights	<p>All rights necessary, at all times, for the purposes of or incidental to carrying out de-watering and installing, retaining, altering, using, maintaining, inspecting, reinstating or removing land drainage systems, including rights to:</p> <p>install, inspect and maintain suitable access and hard standing on the land;</p> <p>take access over, enter and be on the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>discharge water into existing drains and watercourses;</p> <p>prevent the carrying out of any works, excavations or other activities which could reasonably foreseeably damage or interfere with the operation and maintenance of, the land drainage systems;</p> <p>prevent any works on or use of the land that would prevent access to or maintenance of the land drainage systems, including the erection of any building or structure (whether temporary or permanent), or the storing or placing on the land of any goods, equipment or materials;</p> <p>carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Brown
Overhead Line Rights	<p>All rights necessary at all times for the purposes of or incidental to the construction, retention, use, operation, protection, maintenance, repair, renewal, replacement, commissioning and decommissioning of the overhead</p>	Green

	<p>electricity lines and associated infrastructure, including rights to:</p> <p>enter and be on the land and adjoining land with or without personnel, vehicles, plant, machinery, apparatus and equipment including scaffolding, materials and personnel for such purposes;</p> <p>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);</p> <p>remove, fell, trim, or lop trees, bushes, crops and other vegetation, including the removal of hedgerow;</p> <p>carry out archaeological, environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>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 electricity lines;</p> <p>prevent any works on or use of the land that would prevent access to or the operation and maintenance of the overhead electricity lines;</p> <p>prevent the erection of any building or structure (whether temporary or permanent) or the planting or growing of any plant or tree within 5.3 metres of the overhead electricity lines when they are at a maximum temperature and/or maximum sag/swing;</p> <p>prevent the erection of any building or structure (whether temporary or permanent) or the planting or growing of any plant or tree within or under any tower or within 15 metres from the centre of any tower 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>	
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	<p>prevent the storing or placing within or under any tower or within 15 metres from the centre of any tower of any goods, equipment or materials whatsoever 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>prevent the raising of the level of the surface of the land so as to make the distance between the level of the ground and the lowest conductor on the overhead line at any point of the span less than 7.6 metres;</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
Substation Visibility Splay Rights	<p>All rights necessary at all times for the purposes of or incidental to ensuring safe vehicular access and egress from the substations including rights to:</p> <p>remove, fell, trim or lop trees, bushes, crops and other vegetation, including the removal of hedgerows;</p> <p>prevent the erection of any buildings or structures, the placing or storage of any equipment or materials, the parking of any vehicles, the planting or growing of any trees, shrubs or other vegetation on, or the increase in the ground level of, the land, which would reasonably foreseeably restrict visibility of vehicles attempting to join the highway from the substations</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	Yellow
Working Area Rights	<p>All rights necessary for the purposes of or incidental to the replacement and/or upgrading of overhead electricity lines and associated equipment, including rights to:</p> <p>enter and be on the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>remove, construct, install, replace, and modify overhead electricity lines and associated equipment;</p> <p>test and commission the overhead electricity lines, conductors, electricity pylons and infrastructure within, on or</p>	Orange

	<p>over the land and to remedy initial faults and defects in them at any time prior to the date on which the line is energised and ready for commercial operation;</p> <p>enter the land and carry out surveys and investigations, including intrusive and 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);</p> <p>carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>carry out works required by the contractor by licences or consents.</p> <p>remove, replace, fell, trim or lop trees, bushes, crops and other vegetation, including removal of hedgerows;</p> <p>store and stockpile and where necessary use manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment;</p> <p>carry out works to facilitate access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities;</p> <p>fence, erect hoardings, or signage or otherwise secure the working area;</p> <p>install, use and remove artificial lighting;</p> <p>install, use, alter, divert, and remove services and utilities;</p> <p>carry out drainage works and install, alter, or reinstate land drainage systems;</p> <p>erect, use, maintain, repair, reinstate and remove temporary scaffolds,</p>	
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	and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.	
Working Area and Ecological Mitigation Access Rights	<p>Rights to access the land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel land for the purposes of or incidental to the replacement and/or upgrading of overhead electricity lines and associated equipment, including rights to enter to:</p> <p>be on the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <p>construct, install, replace, and modify overhead electricity lines and associated equipment;</p> <p>test and commission the overhead electricity lines, conductors, electricity pylons and infrastructure within, on or over the land and to remedy initial faults and defects in them at any time prior to the date on which the line is energised and ready for commercial operation;</p> <p>enter the land and carry out surveys and investigations, including intrusive and 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);</p> <p>carry out archaeological environmental and/or ecological mitigation works and create, use, maintain, inspect, and remove ecological mitigation measures;</p> <p>carry out works required by contractors by licences or consent;</p> <p>remove, replace, fell, trim or lop trees, bushes, crops and other vegetation, including removal of hedgerows;</p> <p>store and stockpile and where necessary use manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment;</p> <p>carry out works to facilitate access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and</p>	Cross-hatched Green

	<p>installing, using, altering, diverting, and removing services and utilities;</p> <p>fence, erect hoardings, or signage or otherwise secure the working area;</p> <p>install, use and remove artificial lighting;</p> <p>install, use, alter, divert, and remove services and utilities;</p> <p>carry out drainage works and install, alter, or reinstate land drainage systems;</p> <p>erect, use, maintain, repair, reinstate and remove temporary scaffolds,</p> <p>and rights to prevent any works on or use of the land that would prevent the exercise of the aforementioned rights.</p>	
<p>Construction and Ecological Mitigation Access Rights</p>	<p>Rights to access the land, at all times, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel for the purposes of constructing, installing, commissioning, inspecting, the overhead electrical lines, substation and associated infrastructure, and installing, altering or reinstating land drainage systems, and for the purposes of or incidental to installing, creating, using, retaining, maintaining, inspecting and removing ecological mitigation measures including rights to:</p> <p>trim or lop trees, bushes, crops and other vegetation such as hedgerows, and to retain, inspect &amp; maintain the vegetation growth;</p> <p>install and remove any equipment to allow mitigation to take place such as boxes and ecology fences/gates;</p> <p>and rights to prevent any works on or use of the land that would prevent such access from being taken.</p>	<p>Dark Grey</p>

## APPENDIX 4

## Objections Summary Table and negotiations update

Objector and Agent	Plot no's	Rights package (if applicable)	Issues/concerns raised in Objection	NGET response	Update 11 <sup>th</sup> November 2022
<b>Ibstock Bricks (1996) Limited [and others] OBJ1</b>  <b>Represented by M. Banton of Gerald Eve</b>	83	Colour Plate Access Rights	<ul style="list-style-type: none"> <li>Ibstock Bricks advise they hold an interest in plots 83, 84, 85, 86, 149, 150, 151, 152 and 153.</li> </ul>	Plot number 152 was not used in the Order and is marked "Number not used".	NGET's appointed land agents, Fisher German, initially contacted the agent for Ibstock Bricks to advise of a misunderstanding, in that NGET only seeks to acquire rights over land owned by Ibstock Bricks, rather than the land itself. A full description of NGET's requirements was provided, and a formal response to the objection sent.  Discussions during August and September 2022 further clarified the extent of rights required and impact. It is likely that the rights required over their eastern block of land will not affect any mineral
	84	Colour Plate Rights			
	85	Colour Plate Access Rights	<ul style="list-style-type: none"> <li>NGET are seeking powers to acquire the freehold of these plots and deprive the landowner of occupation of them.</li> </ul>	NGET are only seeking rights (Colour Plate Access Rights or Colour Plate Rights) over the plots of land owned by Ibstock Bricks which should in practice have minimal impact.	
	86	Colour Plate Rights			
	149	Colour Plate Rights			
	150	Colour Plate Access Rights	<ul style="list-style-type: none"> <li>The acquisition of part of their land will cause significant disruption, inconvenience, considerable capital costs and potentially increased operational costs.</li> </ul>	NGET seeks Colour Plate Access Rights and Colour Plate Rights over the plots in which Ibstock Bricks has an interest. The exercise of the access rights will involve NGET's appointed contractors taking access over the relevant plots (most likely on foot) in order to gain	
	151	Colour Plate Rights			
	[152]	<i>Number not used</i>			

				<p>access to existing towers for the purpose of replacing Colour Plates.</p> <p>Minor works may be required on the land in order to facilitate such access, such as vegetation clearance. These rights will be exercised on one occasion during the construction phase of the project and so the physical impact will be limited and temporary in nature.</p> <p>Colour Plate Rights are needed over some plots to enable appointed contractors to climb the existing towers to change the Colour Plates on them, ensuring a sufficient exclusion zone is in place around the tower to enable a safe operation and allow for emergency procedures if required. Once in place operatives will change the Colour Plates. This operation will need to take place during an electricity outage and be completed before the circuit can be re energised. This is a safety requirement of the National Grid to ensure the new circuits can be correctly</p>	<p>potential which was a concern raised by Istock Bricks.</p> <p>Revised terms for both parcels of land were sent on 14th September 2022, with follow-up emails concerning the impact of short-term rights. Istock Bricks agent indicated on 11 October that terms are agreed subject to agreement on the basis of professional fees and that he had been instructed to withdraw the objection. Revised terms were provided by return, and signed on 1 November. We await confirmation that the objection has been withdrawn, having advised the agent how to do this.</p>
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			<ul style="list-style-type: none"> <li>• NGET has not demonstrated that there is a sufficiently compelling case in the public interest to justify interfering their rights.</li> <li>• NGET already has sufficient rights over their land to enable NGET to undertake the proposed works without</li> </ul>	<p>identified after the addition of the new circuits to the system.</p> <p>It is essential for health and safety reasons for the Colour Plates to be replaced. Unless and until the Colour Plates are replaced it will not be possible for the important new infrastructure comprised in the Project to commence operation. While the works to replace the Colour Plates are relatively minor in nature it is essential that NGET have the ability to access the towers to change the Colour Plates at any time it is necessary to do so. It is therefore vital that NGET secures the rights it needs to enable it to lawfully replace the Colour Plates. NGET are committed to securing these voluntarily if at all possible.</p> <p>In respect of plots 83, 84, 85 and 86, NGET holds rights for the existing apparatus and access under historic/implied wayleaves. An offer has been made (July 2021) to convert these rights to a permanent easement.</p>	
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			<p>the need for the proposed CPO.</p> <ul style="list-style-type: none"> <li>No offer has been made to purchase their leasehold interest so it cannot be said that compulsory purchase powers are required on the grounds that it is not possible to acquire the interest by agreement.</li> </ul>	<p>The critical nature (see above) and timing of the works (they must be carried out during scheduled electricity outages) requires NGET to have more certainty of access than under historic or implied rights, hence the need to protect its position by including the required rights within the Order.</p> <p>In respect of plots 149, 150, 151 and 153 NGET holds rights for the existing apparatus on a 1967 deed of easement. The access route to the apparatus NGET has historically been directed to use by Ibstock Bricks falls outside these rights and an offer has been made (February 2022) to vary the deed to include these rights.</p>	
<p><b>Swynson Limited OBJ 2</b></p> <p><b>Represented by James</b></p>	2	Arcing Horn Rights	<p>Raises concerns about:</p> <ul style="list-style-type: none"> <li>the size of the working area on plot 7, particularly the area extending into the</li> </ul>	<p>NGET is seeking to acquire "Working Area Rights" over plot 7 to enable it to carry out works to the towers and "Construction Access Rights" over plot 8 to enable NGET to take access over</p>	<p>NGET's appointed land agents, Fisher German, and Swynson Limited's and East Sussex National's appointed land agent exchanged emails in May 2022 concerning the acquisition of</p>
	3	Arcing Horn Access Rights			
	4	Arcing Horn Rights			

<b>White of Savills</b>	5	Arcing Horn Access Rights	<p>fairway, and the duration for which it will be used; and</p> <ul style="list-style-type: none"> <li>the location of the proposed construction access route across plot 8 and its proximity to a tee box and greens comprised in the golf course.</li> </ul>	<p>land during and for the purposes of construction of the Project.</p> <p>The working area around pylon 071 is required to enable reconductoring of the overhead lines on the existing towers. This working area has been designed to enable the safest and most efficient method for the works to be carried out, whilst still allowing flexibility for the appointed contractor to utilise their preferred working methods. Key to the size and shape of the working area required, is the positions required for winches to pull conductors along the overhead line; one of the winch positions will need to be close to or on the course due to the minimum working distance (of the machines from the live wire) required by health and safety protocols. Once NGET’s contractors enter on the land, they will identify the specific working methods that will be adopted and NGET will liaise with Swynson Limited and East Sussex National further to</p>	<p>rights on the golf course, with an indicative image provided showing how the temporary rights would lay over the course. Project team representatives and Fisher German subsequently met with the landowner, leaseholder and their agent on site on 5th October 2022 to discuss the works and land requirements in more detail and seek to mitigate any impact.</p> <p>A proposal was discussed which would limit the occupation of the course for the purposes of the Project, with the intention that the affected hole could remain in play at least in some form, thereby mitigating the impact on players and management of the course. This would be subject to the main contractor confirming that the reconfigured layout of the work area, which would utilise land to the north, would</p>
	6	Arcing Horn Rights			
	7	Working Area Rights			
	8	Construction Access Rights			
	1 (Table 2 interest)	Arcing Horn Access Rights			
	9 (Table 2 interest)	Construction Access Rights			
	11 (Table 2 interest)	Construction Access Rights			
<b>East Sussex National OBJ 3 Represented by James White of Savills</b>	1	Arcing Horn Access Rights			
	2	Arcing Horn Rights			
	3	Arcing Horn Access Rights			
	4	Arcing Horn Rights			

	5	Arcing Horn Access Rights		minimise any interference as far as practicable.	not impact on working methods and safety too severely.
	6	Arcing Horn Rights			
	7	Working Area Rights			
	8	Construction Access Rights			
	9 (Table 2 interest)	Construction Access Rights		<p>NGET is committed to working with Swynson Limited and East Sussex National now to alleviate concerns regarding the impact of the working area and construction access route, upon the operation of the golf course. NGET is keen to discuss potential ways of mitigating the impact of the works through appropriate screening and (where possible) adjustments to the working area layout and access route.</p> <p>It is expected that the part of plot 7 overlapping the golf course will be required for a relatively short period of time approximately 3 to 4 months.</p> <p>NGET's appointed land agents, Fisher German, have been liaising with Swynson Limited's and East Sussex National's land agent to arrange a meeting to discuss all of this on site, along with NGET's engineers. It would</p>	<p>The proposed alternative site layout (critically the conductor pulling locations) was checked with the preferred contractor during a further site visit on 13 October. The preferred contractor confirmed the alternative layout was suitable so plans were prepared and issued. The parties have agreed to seek to agree terms by the end of October to allow the objection to the Order to be removed prior to the proposed hearings. An aerial overview plan was provided on 20 October for the landowner's/occupier's agent to check the revised extent of land affected on the course, so that terms may be agreed. Heads of Terms and plans for an option for a lease were issued to the agent on 1 November. The agents</p>

				<p>be most helpful if a meeting could be arranged as soon as possible.</p> <p>The Objection also raised concerns regarding engagement with Fisher German prior to the making of the Order. Fisher German have explained to East Sussex National that the working area included in the Order has been designed to enable the safest and most efficient method for the requisite works to be carried out. The precise details of the layout and use of the working area, such as the duration of works and number and frequency of vehicles taking access to it, will be finalised by the main works contractor, and that contractor has not yet been selected/appointed.</p> <p>While NGET cannot pre-empt the contractor's exact methods or requirements, NGET believe there is scope to discuss reasonable mitigation measures at this stage.</p>	<p>spoke on 9 November, with provisional agreement of terms subject to agreeing a rent for the work area.</p>
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				<p>NGET remain committed to resolving the concerns regarding the construction of the Project and to reaching a voluntary agreement Swynson Limited and East Sussex National in order to secure the rights it needs for the Project.</p>	
<p><b>Ridgewood Holdings Limited OBJ 4</b></p> <p><b>Represented by James Ashcroft</b></p>	33	Working Area Rights	<p>No objection to the scheme in principle but object to the compulsory purchase of the freehold of plots 58a and 58b for ecological mitigation.</p> <p>Object on the following basis:</p> <ul style="list-style-type: none"> <li>• Compulsory purchase of plots 58a and 58b is not 'required' for the stated purpose</li> </ul>	<p>A large proportion of the land on which the NGET, GSP and SPEN substations will be constructed (Plot 35) comprises habitat suitable for protected species including great crested newt (GCN), common reptiles, hazel dormice, breeding birds, badgers and foraging bats. The construction of the new substations will result in the loss of the majority of these habitats. Off-site land (Plots 58a and 58b) is required to compensate for the loss of these habitats and mitigate the impacts on the aforementioned protected species.</p> <p>The proposed mitigation is to provide alternative, or compensatory habitat suitable for the protected species. Given that the habitat to be lost (9.3ha)</p>	<p>Following delays while the objector appointed a new land agent, NGET's appointed land agent, Fisher German met with Mr Ashcroft and his agent on 29 September 2022 to review the position and advised that NGET would be willing to consider acquiring the alternative mitigation land proposed, subject to Natural England agreeing to vary the protected species licences granted, and further being able to discharge conditions of the planning permission for the development relating to ecological mitigation based on this alternative land.</p>
	35	<b>Freehold</b>			
	37	Construction Compound Rights			
	43	Construction Access Rights			
	46	Drainage Rights			
	48	Ecological Mitigation Rights			
	49	Overhead Line Rights			
	50	Ecological Mitigation Access Rights			

	51	Working Area Rights		<p>exceeds the site area to be provided as compensatory habitat (8.3ha), the quantitative loss must be addressed through qualitative improvements, or 'enhancements' to plots 58a/b.</p> <p>The creation of compensatory habitat on plots 58a/b is required in order to deliver the Project, as a result of the requirements of the planning permission and protected species licences secured from Natural England.</p> <p>The planning permission obtained for construction of the substations (detailed in section 6 above), included a pre-commencement condition relating to ecology. In order to discharge that condition, an ecological mitigation and management strategy was prepared and approved by the local planning authority in April 2022. NGET has also secured a protected species licence from Natural England to carry out works on Plot 35 that would otherwise constitute an offence under wildlife legislation. In order to secure</p>	<p>It was made clear that the mitigation land originally identified by NGET as suitable (Plot 58a and 58b) will stay within the CPO until the alternative land has been confirmed as suitable, the Natural England licences have been varied, planning conditions discharged and the land acquired. The objector agreed to a walkover survey to determine the suitability of the land.</p> <p>NGET's intention is to continue to seek voluntary agreement over the land and rights required as soon as possible through proactive engagement with the landowner.</p> <p>In respect of business interruption, Fisher German confirmed indicative timescales. The main contractor will be appointed shortly and will be</p>
	52	Construction Access Rights			
	53	Construction and Ecological Mitigation Access Rights			
	54	Construction and Ecological Mitigation Access Rights			
	55	Working Area and Ecological Mitigation Access Rights			
	56	Working Area Rights			
	57	Construction and Ecological Mitigation Access Rights			
	58a	<b>Freehold</b>			

	58b	<b>Freehold</b>	<p>the licence, NGET has committed to provide compensatory habitat on plots 58a/b to mitigate the impacts on protected species so as to ensure that their conservation status is maintained. The creation of compensatory habitat on plots 58a/b is therefore a legal requirement, pursuant to the Natural England licence, with which NGET must comply in order to deliver the Project.</p> <p>NGET requires the freehold of plots 58a and 58b because it is necessary for the compensatory habitat to be secured in the long term, and not reversed by subsequent development of, or incompatible uses of, the land, that are not in keeping with maintaining the favourable conservation status of the species covered by Natural England and the protected species licences.</p> <p>NGET acknowledge that in correspondence with RHL, NGET had suggested that it may wish to use plots 58a and 58b to relocate soil removed from the GSP land/plot 35 during</p>	able to further discuss mitigation measures.
	59	Working Area Rights		It was agreed that it would be unlikely that the objection would be withdrawn before the scheduled commencement of the hearings, but that the parties would be happy to state that they are co-operating over solutions and appropriate mitigation.
	23 (Table 2 interest)	Overhead Line Rights		On 20 October the landowner’s agent submitted a proposed price for Freehold sale of the alternative mitigation land. A revised price was submitted on 2 November and responded to by return. , and discussed on a call on 9 November. Negotiations continue. Negotiations continue.
	25 (Table 2 interest)	Working Area Rights		
	29 (Table 2 interest)	Working Area Rights		
	40 (Table 2 interest)	Working Area Rights		
	42 (Table 2 interest)	Overhead Line Rights		
	44 (Table 2 interest)	Working Area Rights		
	45 (Table 2 interest)	Overhead Line Rights		
	3 (Table 2 interest)	Arcing Horn Access Rights		

	4 (Table 2 interest)	Arcing Horn Rights	<ul style="list-style-type: none"> <li>Impact on farm and businesses (primarily impact of waste soil, creating a major constructions site immediately adjacent to field used for outdoor events and holiday 'yurts')</li> </ul>	<p>construction of the new substations. That is no longer the case. The land is required and intended for use only as ecological mitigation land, as set out above and in the Statement of Reasons.</p> <p>Reference is made at p.ii (on page 2) of the Objection to alleged severance of the holding by the compulsory acquisition of plots 58a and 58b, but with no explanation of how this severance is perceived to occur or of the claimed significant adverse impact. Plots 58a and 58b lie on the eastern side of the holding, and if the perceived severance claimed is to land owned to the north, access is still readily available over land owned to the west of plots 58a and 58b with existing gateways through to the land to the north. NGET would welcome the opportunity to discuss this further in order to better understand the nature of the concerns.</p>	
	5 (Table 2 interest)	Arcing Horn Access Rights			
	6 (Table 2 interest)	Arcing Horn Rights			
	7 (Table 2 interest)	Working Area Rights			
	8 (Table 2 interest)	Construction Access Rights			

				<p>P10 of the Objection refers to the case of <i>R (Hall) v First Secretary of State</i> and in particular to three circumstances in which compulsory purchase could not be justified in the public interest, namely:</p> <ul style="list-style-type: none"> <li>i. Land proposed to be acquired may be excessive because development proposals can be constructed without needing that land to be acquired</li> <li>ii. Acquisition of a right over the land, rather than its acquisition, might suffice</li> <li>iii. Land may be necessary for the development, but [the] landowner may be willing to agree to sell.</li> </ul> <p>The Objection states that "With reference to point 'ii', in so far as any off-site habitat creation is required to re-create the compensatory habitat (including of woodland for enhancement to satisfy the dormouse</p>	
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			<ul style="list-style-type: none"> <li>• Alternatives to compulsory acquisition have not been considered</li> </ul>	<p>mitigation recommendations), compulsory purchase powers are not required because they could be achieved by the use of lesser powers than compulsory purchase (temporary possession and acquisition of rights of maintenance)".</p> <p>Firstly it should be noted that while the Housing and Planning Act 2016 includes temporary possession powers, these are not yet in force so are not available to NGET. As to the acquisition of new rights, as explained at paragraph 8.12 of the Statement of Reasons, "NGET is taking a proportionate approach to acquisition and only seeks to acquire the freehold title to the Order Land for the purposes of above ground permanent infrastructure, namely the NGET GSP substation and the SEPN substation (CPO Plot 35), and to mitigate the impacts of the new substations on the habitat of protected species (CPO Plots 58a and 58b). In all other instances rights in land will be acquired."</p>	
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				<p>NGET requires the freehold of plots 58a and 58b because it is necessary for the compensatory habitat to be secured in the long term, and not reversed by subsequent development of, or incompatible uses of, the land, that are not in keeping with maintaining the favourable conservation status of the species covered by Natural England and the protected species licences.</p> <p>Protected species licences can only be issued if they meet three "licensing tests". One of the questions that must be addressed in order to secure a licence is whether the action authorised will be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range ('the FCS test'). Therefore, the land required to compensate for the loss of the protected species habitats and maintain the species favourable conservation status should constitute the following:</p>	
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				<p>a) be located in a place that would not risk wildlife mortality; this would be achieved by locating the compensatory habitat on land that avoids crossing highways, such as avoiding land south of the A22;</p> <p>b) be ecologically connected to the GSP land and the wider landscape, and as close to the GSP land as reasonably practicable to benefit protected species affected by the Project;</p> <p>c) be of low ecological value to minimise impacts to any protected species that might already be using the land during any habitat improvement or creation works; and</p> <p>d) be of an appropriate size/quality.</p> <p>In line with the above requirements, two fields (totalling c.13.7 ha) were identified by NEGT’s ecology advisors</p>	
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				<p>as potentially suitable for compensatory habitat as they were within 500m (the typical natural range for GCN) of the proposed substations (located around Pylon 4VM068) and of low ecological value. Both of these fields are owned by Ridgewood Holdings Limited. NGET approached Ridgewood Holdings Limited (represented by James Ashcroft) who explained that Ridgewood Holdings Limited were not willing to allow NGET to use these fields but were, in principle, amenable to NGET using an alternative area (included in the Order as plot 58a and 58b) for the creation of compensatory habitat.</p> <p>In addition to the options on land owned by Ridgewood Holdings Limited, four other nearby land parcels (belonging to different landowners) were identified as being potentially suitable for compensatory habitat, on the basis that they were likely to be of low ecological value and were connected to the proposed</p>	
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			<ul style="list-style-type: none"> <li>Alternative locations to plots 58a and 58b have not been properly considered</li> </ul>	<p>development site through the wider natural landscape. Of these options, only three could be directly accessed from a road, which would be necessary to facilitate access for the intended long-term management of the land. However, only the Ridgewood Holdings land avoided crossing any highway and was located within the natural range of GCN (500m). The Ridgewood Holdings land was therefore identified as the most suitable option to compensate for impacts arising from the development.</p> <p>Ecological surveys of the Ridgewood Holdings land (Plots 58a and 58b) were carried out to acquire baseline habitat information. In addition, a pond located immediately south of plots 58a/b was confirmed to have a low population of GCN and as such enhancing this land would provide benefits to the metapopulation of GCN in the area thus, ensuring the species remained at a favourable conservation status. The information demonstrated that plots 51a/b met all the requirements</p>	
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				<p>outlined at a)-d) above ('Ecological mitigation/compensation land requirements'), making these plots appropriate for compensatory habitat.</p> <p>This land is ecologically connected to the GSP land via outgrown hedges and a watercourse. It is approximately 440m from the GSP land, with no barriers in-between to impede species movements (such as roads or major watercourses). It also falls within the normal foraging ranges for many of the protected species associated with the GSP land. Its close proximity and connectivity to the GSP land is such that populations of protected or otherwise notable species that will be affected by the Project will directly benefit from the measures proposed here. Other land options are less favourable/suitable, due to their separation by public highways, which limit their connectivity to the land affected by development.</p>	
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				<p>Furthermore, the land is currently of low ecological value and would provide the gains for protected species and wider biodiversity, following the implementation of the compensation measures proposed. As noted above, it is also directly accessible from Sand Hill Lane. As well as avoiding adverse impacts associated with creating site access to alternative plots, this will enable ongoing access to complete the necessary monitoring surveys and long-term (at least c.25-30 years) management of the newly created and improved habitats. In addition, this option would avoid any severance of the remaining RHL (Plate 1).</p> <p>As indicated above, NGET did consider several alternative locations for ecological compensation/mitigation. However, plots 58a and 58b are the most ecologically suitable and their use for this purposes was, in fact, suggested by Ridgewood Holdings Limited. Moreover, Ridgewood Holdings Limited confirmed, in the context of</p>	
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				<p>NGET’s applications for protected species licences, that this land could be used as compensatory habitat.</p> <p>The Objection confirms that Ridgewood Holdings Limited do not object to the principle of the Project which is welcomed by NGET. It acknowledges that the GSP land was acquired by NGET from Ridgewood Holdings Limited by voluntary agreement, and that there has been a long history of engagement/negotiation between NGET and Ridgewood Holdings Limited on the Project proposals.</p> <p>Ridgewood Holdings Limited were consulted on and fully aware of the need for compensatory habitat and indeed suggested that the land included in the Order as plots 58a and 58b be used for that purpose in preference to other Ridgewood Holdings land identified by NGET.</p> <p>Following an initial offer to acquire land for compensatory habitat in March</p>	
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				2021, discussions have continued and NGET’s intention is to continue those discussions in an amicable and constructive manner in order to secure the land and rights needed for the Project without the use of CPO powers.	
<b>Southern Power Networks OBJ 5</b>					Objection withdrawn.
<b>Hamilton Palace Limited OBJ 6</b>  <b>Represented by Robert Gates and Co.</b>	38	Ecological Mitigation Rights	‘Holding objections’ pending conclusion of negotiations with NGET.  Acknowledge that discussions are progressing well with NGET, matters are agreed in principle, and that once agreement is reached on the detailed scope of works the objections will be withdrawn.	NGET welcome confirmation that discussions are progressing in a positive manner; that the majority of matters have been agreed in principle; and that upon formal documentation of the matters agreed in principle, the objections will be formally withdrawn.	Objections formally withdrawn on 8 November.
	40	Working Area Rights			
	42	Overhead Line Rights			
<b>Agnes Gnomou OBJ 7</b>  <b>Represented by Robert Gates and Co.</b>	32	Overhead Line Rights		NGET remain committed to reaching voluntary agreement and as such, NGET’s agents, Fisher German, will continue to be in regular contact to ensure that outstanding matters can be resolved as soon as possible.	

				Objection withdrawn 8 <sup>th</sup> November 2022.	
	34	Working Area Rights			
	36	Ecological Mitigation Rights			
	39	Overhead Line Rights			
<b>Ahmed Ben-Zarti OBJ 8</b>	44	Working Area Rights			
<b>Represented by Robert Gates and Co.</b>					