PLANNING / CONSENTS

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

STATEMENT OF EVIDENCE

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1. QUALIFICATIONS AND EXPERIENCE

1.1 My name is David Conway and I am an Associate Director within the environment team at RSK Environment Limited (RSK) as well as a Consultant Consents Officer with National Grid Electricity Transmission Plc (NGET). I completed a Masters in Town and Regional Planning at Leeds Metropolitan University in 2008, becoming a chartered member of the Royal Town Planning Institute in 2011.

1.2 In my role with NGET I am responsible for providing consenting advice in relation to various projects, including customer connections involving NGET substation extensions, NGET asset management such as replacement infrastructure, and asset protection such as flood resilience measures. This involves providing planning advice on projects both in the development and delivery stages and procuring consenting and environmental services.

1.3 Since graduating in 2004 I have worked in the private sector for a number of consultancies with clients covering sectors including infrastructure, energy, employment and leisure.

1.4 My first direct involvement with NGET was as an environmental services supplier between 2015-2018. During that period I was a member of the Part A Project Team coordinating an Environmental Impact Assessment (EIA) for NGET's North West Coast Connections Project, involving 160km of 240kV overhead line, underground cable and tunnel connecting a proposed 3.8GW power station at Moorside to the National Grid at Carlisle and Morecambe Bay. As part of this role I was responsible for authoring detailed options appraisals including siting studies for a substation, cable sealing end compounds, 400kV connection, 132kV rationalisation, and tunnel heads.

1.5 In 2020, while with RSK, I was responsible for coordinating the preparation of a siting study for a new 400kV substation in Cumbria, similar to the Little Horsted Substation Connection Project ("the Project"). This involved environmental baseline work with Geographical Information Systems (GIS) to establish focus areas and undergoing a 'sieving' process to establish preferred site options utilising the Horlock Rules[1].

1.6 Since January 2021 I have been on part-time secondment as a consultant consents officer within NGET's national consents team. My consenting workload is diverse and ranges from new infrastructure work at existing substations, substation extensions to support customer connections, asset replacement such as security fences, gates and enclosures, and site protection such as flood resilience schemes. I have also provided consenting advice as part of NGETs ongoing review of their surplus land and sites portfolio.

2. INTRODUCTION AND SCOPE OF EVIDENCE

2.1 The structure of my statement of evidence is set out in paragraph 2.3 below.

2.2 In broad terms my statement will explain the consenting position of the Project, including detail of the Town and Country Planning Act (TCPA) consent and the proposed approach in respect of obtaining secondary and tertiary consents as the development transitions to delivery. It will also provide evidence on the alternatives to siting considered and Local

[1] NATIONAL GRID (Undated) The National Grid Company (NGC) plc, Substations and the Environment – Guidelines on siting and design. [Online] Available from: https://www.nationalgrid.com/sites/default/files/documents/13796-The%20Horlock%20Rules.pdf

Planning Authority endorsement of both compliance with the extant development plan and recognition of project need in granting planning permission. My statement of evidence explains that planning and other consenting matters do not present any impediment to delivery of the Project in accordance with paragraph 15 of the *Department for Levelling Up, Housing and Communities and Local Government's Guidance on Compulsory Purchase and the Crichel Down Rules*[2] (July 2019) ("CPO Guidance") (**CD A20**).

2.3 My statement of evidence is structured as follows:-

- Section 3 provides a description of the Project and need for the development
- Section 4 provides an overview of the planning policy support for the Project.
- Section 5 provides a summary of the overarching consents strategy and review of the planning position
- Section 6 provides a summary of the alternatives considered
- Section 7 details the consultation undertaken
- Section 8 provides detail of the mitigation measures proposed
- Section 9 sets out the conclusion

3. DESCRIPTION OF THE LITTLE HORSTED SUBSTATION CONNECTION PROJECT

The Development

3.1 The Project comprises three principle elements; the development of a new 400kV Grid Supply Point (GSP) substation to be operated by NGET; a new 132kV substation to be operated by South Eastern Power Networks (SEPN), a subsidiary of UK Power Networks (UKPN), and associated electrical connection works including modifications to the existing overhead line.

3.2 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.

3.3 The following provides an overview of each element of the Project:

- 400kV GSP Substation infrastructure and equipment
    - Electric fence;

[2] DEPARTMENT FOR LEVELLING UP, HOUSING & COMMUNITIES (2019) Guidance on Compulsory purchase process and The Crichel Down Rules, [Online] Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071500/CPO_guidance_-_with_2019_update.pdf

- Substation main gate and pedestrian gate;
- Internal substation roads;
- Access road (heavy load route);
- Earth mat;
- Single story substation amenities building to house welfare facilities and switching room;
- Construction of portable relay rooms to house protection and control and low voltage AC supplies;
- Two super grid transformer bays including surge arrestors, disconnectors, circuit breakers and earth switches;
- Two 400kV/132kV 240MVA super grid transformers including cooler banks;
- Two 132kV bays including surge arrestors, disconnectors, circuit breakers and earth switches;
- Two 132kV cable sealing ends; and
- Internal lighting.

3.4 This equipment will be predominantly grey in colour and will consist of a series of vertical structures supporting overhead busbars with ancillary equipment. The maximum height of the structures would be approximately 13m.

3.5 The substation structures will be located within a secure compound of approximately 180m x 310m. A perimeter fence, which is typically 2.4m in height, plus a circa1m high electrical security feature on top, will surround the compound which will be surfaced with stone chippings.

- 132kV Substation infrastructure and equipment:
  - Underground cable from NGET 400/132kV GSP substation to SEPN 132kV substation;
  - 132kV cable sealing ends, disconnectors and busbars;
  - Auxiliary room, and
  - Perimeter fence 2.4m high.

3.6 The SEPN 132kV substation will be constructed within a secure, fenced compound with a footprint of approximately 80m x 140m, located adjacent and west of the 400/132kV GSP substation.

- Proposed NGET 400kV Overhead Line Infrastructure:

- Permanent removal of one existing 400kV pylon (tower 69) and permanent replacement by two new pylons (68B and 69B) entirely within the NGET GSP substation site;
- Erection of temporary protective scaffolding over relevant roads;
- Overhead line gantries to connect the existing 400kV overhead line via down leads and droppers.

3.7 There will be other permanent works associated with the Project. During construction, a cut and fill method will be undertaken to establish an appropriate level working platform for the development. There will be more material cut than repurposed in order to maintain the required gradient on site with excess material taken off site.

3.8 Concrete foundations for some of the electrical equipment will be required, including foundations for the new pylons.

3.9 The existing bellmouth junction from Eastbourne Road to the substation site (Plot 35) will require widening and improvement prior to construction commencing.

3.10 In terms of temporary works, a temporary construction compound will be required adjacent to the substations, comprising of temporary cabins for offices and welfare facilities during the construction phase and allocated areas for receiving deliveries, storage of materials and equipment and, where required, for storage of waste items to be removed.

3.11 There may be temporary access roads within the substation site, installed prior to the permanent road being constructed.

3.12 As the Project has been screened by Wealden District Council as non-Environmental Impact Assessment (EIA) development, this has enabled NGET to make use of statutory undertaker permitted development rights and exemptions under Section 37 of the Electricity Act 1989 ("the Electricity Act"). The associated consenting routes for each element described above are detailed within section 5 of this statement of evidence.

Plot 35 (The substation site)

3.13 The land required for construction of the new 400kV NGET GSP substation and 132kV SEPN substation (Plot 35) is approximately 9.7 hectares in area, located approximately 2km to the south of Uckfield and approximately 1.7km to the east of Little Horsted. Plot 35 sits entirely within the administrative boundary of Wealden District Council, East Sussex.

3.14 Plot 35 consists predominantly of agricultural and equestrian land with wooden fenced boundaries. The existing 400kV overhead line runs parallel to the northern boundary of Plot 35, with the existing 400kV pylon to be removed located on the boundary between Plot 35 and the neighbouring land ownership to the north.

3.15 Plot 35 is bounded to the south by the A22, a primary highway route, that runs in a north-west to south-east direction. Crockstead Farm Hotel is located immediately to the east; and scrub woodland, a pond and Ridgewood Stream are located immediately to the north. Hamilton Palace and grounds lie further north and the main complex of East Sussex National

Golf Course is approximately 1km to the west beyond Eastbourne Road which runs to the west of the site.

3.16 The existing vehicular access to Plot 35 is from Eastbourne Road to the west, which junctions with the A22. This currently provides access to Crockstead Farm and Equestrian Centre. Crockstead Farm Hotel has a separate main access directly from the A22 to the south.

3.17 Plot 35 contains no nature conservation or heritage designations and is not within any nationally designated landscape areas.

Need for the development

3.18 As explained in the statement of evidence of Mr Ali Khan, NGET's regulatory duties in relation to developing, operating and maintaining an economical and efficient National Electricity Transmission System (NETS) are set out in Section 9 of the Electricity Act[3] (**CD A5.1**) and informed by Schedule 9 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 NGET 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'[4] (**CD F4**).

3.19 In order to ensure that the NETS adequately reflects the needs of its users including power generators, the regional Distribution Network Operators (DNO), and ultimately the industrial, domestic and business users which rely on its supply, it needs continual renewal and adaptation incorporating both the maintenance and replacement of existing equipment and the development of new infrastructure to reflect changing patterns of power supply and demand.

3.20 In November 2016 SEPN made a connection request to NGET for a GSP at Little Horsted consisting of two 240MVA supergrid transformers (SGT) for the reinforcement of its network. Subsequently SEPN submitted a modification application in July 2019 requesting additional network capacity due to increased forecast demand in the Lewes/Newhaven area.

3.21 SEPN had initially identified the need to reinforce their existing 132kV distribution network in the Lewes/Newhaven area to maintain security of supply, which triggered the need for a new GSP at Little Horsted consisting of two SGT.

3.22 However, levels of local demand are anticipated to increase further due to demand for Electric Vehicle (EV) charging, flexible connections, and ongoing decarbonisation initiatives. Therefore, in order to maintain future network resilience SEPN requested further demand capacity at Little Horsted as part of a modification application. Consequently, provision was

[3] The Electricity Act 1989 (SI 1989/29), [Online] Available from: https://www.legislation.gov.uk/ukpga/1989/29

[4] NATIONAL GRID (2016) National Grid's commitments when undertaking works in the UK, Our stakeholder, community and amenity policy [Online] Available from: https://www.nationalgrid.com/electricity-transmission/document/81026/download#:~:text=The%20way%20we%20manage%20our,stakeholders%20is%20important%20to%20us.&text=We%20will%20promote%20genuine%20and,requirements%20for%20consultation%20or%20engagement

made at Little Horsted for the future development of two additional SGT, which will be required to satisfy this increased demand capacity.

3.23 The Project, once implemented will facilitate improvements to the existing electricity transmission and distribution network with resulting economic benefits in terms of improved capacity and resilience.

4. PLANNING POLICY SUPPORT FOR THE PROJECT

4.1 Designated under the planning Act 2008, and published in 2011, National Policy Statements (NPS) set out the government's policy for the delivery of major infrastructure and provide the legal framework for planning decisions. Although applying strictly to those projects falling within the definition of Nationally Significant Infrastructure Projects, the NPSs may also be a material consideration for projects progressed under the Town and Country Planning Act 1990 (as amended)[5], such as the Project.

4.2 For the Project, the NPS for Energy (NPS EN-1) (**CD A17**), and the NPS for Electricity Networks Infrastructure (NPS EN-5) (**CD A18**), were considered to be material considerations. Between September and November 2021 the Government published and consulted on draft replacements for the current NPS EN-1 and EN-5 (**CD A21 and A22**).

NPS for Energy (EN-1)

4.3 The overarching NPS for Energy (NPS EN-1) (**CD A17**) sets out the Government's policy for delivery of major energy infrastructure.

4.4 Paragraph 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.

4.5 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.

4.6 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. Paragraph 3.7.10 develops this point, noting that there is an "urgent need for new electricity transmission and distribution infrastructure to be provided".

4.7 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

[5] DEPARTMENT OF ENERGY & CLIMATE CHANGE (July 2011) National Policy Statement for Electricity Networks Infrastructure (EN-5), p. 1, Para 1.2.3, [Online] Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47858/1942-national-policy-statement-electricity-networks.pdf

quality infrastructure is crucial for economic growth, boosting productivity and competitiveness.

4.8 Paragraph 4.4.6 of draft replacement EN-1 explains that given the vital role of energy to economic prosperity and social well-being, it is important that our supply of energy remains secure, reliable, and affordable.

NPS for Electricity Networks Infrastructure (EN-5)

4.9 The NPS for Electricity Networks Infrastructure (EN-5) (**CD A18**), taken together with EN-1, provides the primary basis for decisions taken on applications for electricity networks infrastructure.

4.10 Paragraph 2.2 states that:

"the general location of electricity network projects is often determined by the location, or anticipated location, of a particular generating station and the existing network infrastructure taking electricity to centres of energy use. This gives a locationally specific beginning and end to a line."

4.11 Paragraph 1.1.1 of the draft replacement EN-5 states that:

"As we build the new electricity generation, storage, and interconnection infrastructure that our country needs in order to transition to net zero, we must also build the electricity networks that connect these vital facilities with each other and with centres of consumer demand. Moreover, as the electricity system grows in dispersion, variety, and complexity, reinforcement of the networks writ large will be necessary to maintain system robustness and security of supply."

4.12 Paragraph 2.2.1 states that:

"The Secretary of State should bear in mind that the macro level location (…) of new electricity networks infrastructure is not substantially within the control of the Applicant, but is rather a function of i) the location of new generating stations or other infrastructure requiring connexion to the network and/or ii) system capacity and resilience requirements determined by the Electricity Systems Operator."

4.13 These two constraints, along with the government's commitment to net zero, will inevitably mean significant new electricity networks infrastructure construction.

4.14 Notwithstanding this, paragraph 2.2.2 acknowledges that applicants have a duty to:

"consider and balance site selection considerations within an identified macro-level location or development zone."

4.15 Paragraph 2.2.3 states that:

"Applicants should bear in mind that the connection between the initiating and terminating points of a proposed new electricity line need not go via the most direct route. Indeed, engineering, environmental, and community constraints may make this infeasible or unsuitable."

4.16 Paragraph 2.2.4 states that:

"There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their placement in the local landscape. In particular, the applicant should consider such characteristics as the local topography and/or the possibilities for screening of the infrastructure."

4.17 Paragraph 2.2.5 states that in formulating proposals for new electricity networks infrastructure, developers should:

"have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and …do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

4.18 The key benefits that will arise from the Project, which are in-line with the NPS EN-1 and EN-5, and draft replacement NPS EN-1 and EN-5 are:

4.19 **Meeting energy demand.** UKPN/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 100MW. To comply with the Security and Quality of Supply Standard[6] (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.

4.20 **Energy security/reliability of supply.** Improving the resilience of the NETS and the UKPN/SPEN distribution system reduces the risk to consumer supplies under normal and abnormal operating conditions.

4.21 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.

National Planning Policy Framework

4.22 The National Planning Policy Framework[7] (**CD A19**) ("NPPF") (July 2021) was a material planning consideration when assessing and determining the Project's planning application. The decision notice states that:

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[6] NATIONAL GRID (2021) Security and Quality of Supply Standard [Online] Available from: https://www.nationalgrideso.com/industry-information/codes/security-and-quality-supply-standards/code-documents

[7] MINISTRY OF HOUSING, COMMUNITIES & LOCAL GOVERNMENT (2021), National Planning Policy Framework. [Online] Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

"Due regard has been had to any relevant national policy guidance, in particular paragraphs 8, 11, 14, 25, 26, (73), 81, 82, 104, 110, 111, 112, 119, 120, 126, 130, 134, 152, 159, 161, 167, 169, 174, 175, 180, 183, 184, 185, 194, 195, 197, 199, 200 – 205, 218 and 219 of the NPPF."

Local Development Plan

4.23 The statutory development plan for the Council's administrative area comprises the Wealden District Core Strategy Local Plan[8] (**CD B2**) ("WDCSLP") (February 2013) and saved policies of the adopted Wealden Local Plan[9] (**CD B1**) ("WLP") (1998).

4.24 The following spatial objectives and policies from the WDCSLP[8] (**CD B1 and CD B2**) are relevant to the Project:

- SPO1: Protection of biodiversity and geodiversity
- SPO2: Protection of the historic environment
- SPO12: Safety
- SPO13: Design
- SPO15: Provision of infrastructure
- Policy WCS7: Effective Provision of Infrastructure
- Policy WCS12: Biodiversity
- Policy WCS13: Green Infrastructure
- Policy WCS14: Presumption in Favour of Sustainable Development

4.25 The following saved policies from the adopted Wealden Local Plan[9] (**CD B1**) are relevant to the Project:

- Policy GD2: Development within development boundaries
- Policy EN1: Sustainable development
- Policy EN8: Low Weald
- Policy EN12: Protection of trees and woodland
- Policy EN14: Landscaping within development
- Policy EN27: Layout and design of development

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8 WEALDEN DISTRICT COUNCIL (2013) Core Strategy Local Plan, Wealden District (incorporating Part of the South Downs National Park). [Online] Available from: https://www.wealden.gov.uk/UploadedFiles/Adopted_Core_Strategy_2013_for_web.pdf

9 WEALDEN DISTRICT COUNCIL (1998) Adopted Local Plan, Index of Saved Policies. [Online] Available from: http://www.wealden.gov.uk/UploadedFiles/Index_of_Saved_Policies.pdf

- Policy EN29: Light pollution
- Policy TR3: Traffic impact of new development
- Policy TR16: Car parking standards
- Policy CS2: Drainage

4.26 Annex 1 of the NPPF (**CD A19**) confirms that these 'saved' policies still form part of the development plan.

4.27 The Project is in accordance with the provisions of Government guidance as well as those policies of relevance within the statutory development plan.

5. OVERARCHING CONSENTS STRATEGY

Consideration of Environmental Impact Assessment (EIA)

5.1 The Project has been considered against the requirements within the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017[10] (**CD A15**) and in the Electricity Works (EW) (Environmental Impact Assessment) (England and Wales) Regulations 2017[11] (**CD A16**). It does not meet the criteria of Schedule 1 development and therefore does not automatically trigger the need for formal EIA. The Project area does exceed 0.5ha in size which is the applicable threshold set out in the EIA Schedule 2 table for section 3(a) Energy Industry and 10(b) infrastructure projects.

5.2 Therefore, consideration has been given to the nature, scale and location of the development as set out in Schedule 3. Schedule 3 of both EIA Regulations sets out the same criteria that should be addressed. The criteria considered are:

- Characteristic of development;
- Location of development; and
- Types and characteristics of potential impact.

5.3 A request for an EIA Screening Opinion was submitted to Wealden District Council ("Council") in June 2020. The Council's Screening Opinion was received on 31st July 2020, concluding the Project to be non-EIA development.

5.4 Prior to submission of the planning application, a number of revisions to the proposed design necessitated its re-screening for EIA. At a pre-application meeting in December 2020 the design changes and potential impacts of such changes in respect to EIA were discussed with the Council. Subsequently, a new EIA Screening request was submitted to the Council in January 2021. The Council responded once more advising that an EIA was not required for the Project.

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[10] The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/571). [Online] Available from: https://www.legislation.gov.uk/uksi/2017/571/contents/made

[11] The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (SI 2017/580). [Online] Available from: https://www.legislation.gov.uk/uksi/2017/580/contents/made

5.5 Although the Project was deemed not to constitute formal EIA development, a range of environmental surveys and assessments have been completed to support the planning application. These documents demonstrate how NGET intends to meet its environmental responsibilities and mitigate any environmental effects, covering all elements of the Project.

6. Planning Position

6.1 The consents required for the Project are set out within the table below. As the Project was screened by the Council as not being EIA development, as well as obtaining the express planning permission for the substations under the Town and Country Planning Act 1990, NGET was able to make use of its permitted development rights as a statutory undertaker, and exemptions under Section 37 of the Electricity Act (**CD A5**).

Description	**Primary Consenting Regime**	**Relevant Determining Authority**
Overhead line conductor and fittings renewal works	**Not development** under the Town and Country Planning Act 1990 (TCPA), Section 55 (2) (c)	N/A
New 400/132kV GSP substation and 132kV substation	**Full planning permission** granted (ref. WD/2021/0733/MAJ) under the TCPA ("the Planning Permission"- **CD C5**).	Wealden District Council
Removal of Existing Tower 69	Use of existing consent. Addressed through notification to LPA (Ref. WD/2021/0837/OH) (**CD C3**).	N/A
Two new 400kV pylons (68B and 69B) located wholly within NGET land premises.	Permitted Development – Town and Country Planning (General Permitted Development) (England) Order) 2015 (GPDO)Schedule 2, Part 15, Class B(a) (**CD A13**) All restrictions and conditions met.	Wealden District Council
Overhead connection equipment from new pylons to gantries (downleads) (wholly within NGET land ownership)	Permitted Development – GPDO 2015 Schedule 2, Part 15, Class B(a) (**CD A13**) All restrictions and conditions met.	Wealden District Council
Overhead connection equipment from new pylons (outside of NGET land ownership)	Consideration under S37 of the Electricity Act **Exempt** under The Overhead Lines (Exemption) (England and Wales) Regulations 2009, Regulation 3, (1) (e) (**CD A10**), subject to regulation 4 and 5. The replacement overhead line will not be of greater voltage, will not exceed the height of the existing pylons by more than 10 per cent and will sit no further than 60m from the existing OHL. Addressed through notification to LPA (Ref. WD/2021/0837/OH). (**CD C3**)	Wealden District Council East Sussex County Council
Widening of existing bellmouth or new bellmouth and permanent new access road(s) to substations.	**Full Planning Permission** (the Planning Permission) granted (ref. WD/2021/0733/MAJ) under The Town and Country Planning Act (TCPA). (**CD C5**) **Section 278 agreement** for the bellmouth.	Wealden District Council Highways Authority (Section 278)

Temporary access and accommodation works to facilitate the overhead line conductor and fittings renewal works, could include temporary stoned laydown areas, temporary access tracks, temporary bellmouth widening, hedgerow removal (coppicing) and culvert for crossing watercourses. The exact details are subject to detailed site survey once the main works contractor is appointed.	Potential for; - **Temporary Laydown Areas and Access Tracks** -The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 4 Class A (A) - **Hedgerow removal/coppicing** – Hedgerow removal notification, subject to surveys. - **Culvert Crossing** – Land Drainage Consent, subject to surveys. - **Bellmouth widening** – Permitted development under GPDO, Part 4 Class A (A) and relevant agreement / consent from the Highways Authority.	If permissions or notifications are required, Wealden District Council. Highways Authority for any Highway agreements.
Temporary protection scaffold over relevant roads, to allow safe re-wiring of the overhead line.	Permitted Development under GPDO Schedule 2, Part 4 Class A. Relevant highways approvals for temporary closures and traffic management.	If permissions or notifications are required, Wealden District Council. Highways Authority for any Highway agreements.

6.2 On 11 May 2021, the Council, in its capacity as local planning authority, raised no objection to the proposed relocation of two sections of the 4VM overhead line (Ref. WD/2021/0837/OH) (**CD C3**) .

6.3 On 12 November 2021, the Council, in its capacity as local planning authority, granted Planning Permission (ref. WD/2021/0733/MAJ) (**CD C5**) for the *"erection of new substation to include new 400kV GSP substation operated by NGET, 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"*.

6.4 The permission is subject to 21 conditions that require either adherence or discharge prior to commencement of development, prior to installation or prior to operation/use. This is discussed further in section 8, below.

7. CONSIDERATION OF ALTERNATIVES

NGET's Approach to Developing and Delivering New Infrastructure

7.1 Published in August 2012, NGET's 'Approach to Options Appraisal' (**CD F3**) describes a framework and references a list of topics which should be addressed, which allows NGET to identify and balance technical, socio-economic, environmental and cost considerations to help inform decisions around Project options. It also enables the information on which judgements have been based to be documented in a transparent manner.

7.2 To identify the preferred site for the new NGET GSP substation and to comply with the approach established for sensitive siting of such infrastructure under the Horlock Rules, NGET commissioned a 'site selection and options appraisal' which was progressed between 2018 and 2021.

Site Selection and Options Appraisal (2018)

7.3 Following SEPN's connection request for a GSP, NGET undertook an appraisal of potential sites on which to accommodate the Project. This appraisal commenced in 2018 and identified a 2km search diameter (the study area) extending from the existing 400kV pylons 4VM058 to 4VM080 of the Bolney to Ninfield overhead line, the idea being that locating a 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 SEPNs 132kV Lewes substation to make the underground connection between the two substations economically and technically viable.

7.4 This study area corresponded to an area to the south and south-east of Uckfield and contained the village of Little Horsted.

7.5 A desk study was undertaken to identify environmental and socio-economic constraints and land use information which was mapped using GIS, with the objective of identifying locations where a sufficient area of unconstrained land was available to potentially accommodate the Project. Publicly available aerial photography was also used in the site identification and appraisal process while a planning appraisal was undertaken of the relevant planning policy relating to development and environmental protection within national, regional and local planning documents.

7.6 NGET determined, based on its considerable experience, that the use of capital cost is a reliable basis on which to make investment decisions. The capital cost of establishing a substation and cable sealing end (CSE) compound at each site would be very similar, and therefore not a differentiator. However, the indicative capital cost of establishing a 132kV connection into each site from the Lewes Substation to the south, and the need for additional 400kV infrastructure required to form a connection between the substation site and the existing 400kV overhead line, were considered to be differentiators when selecting preferred siting options.

7.7 For the purpose of siting the substation an assumption was made in relation to the potential land take. It was assumed that an area of land approximately 10 acres in size would be required to house the required substation equipment, access road and periphery landscape works that may be required for screening, as well as providing an area for future SEPN expansion, should this be required. This would go on to increase following design parameter changes in the 2019 back check and review detailed below.

7.8 The initial appraisal indicated seventeen potential locations (Sites A – Q) for the substation within the study area, in addition to six potential locations (Sites 1-6; Site 3 being Order Plot 35) that had already been identified by UKPN through a previous engineering option exercise in 2017. A long-list of twenty-three potential locations was therefore taken forward for further consideration.

7.9 Each of the potential locations was then assessed further through site visits in October 2018. The site visits were used to inform consideration of the potential impact on land use, landscape character and landscape features, as well as the potential visual impact on settlements and properties, roads, footpaths and recreational sites.

7.10 Due to planning and amenity considerations, thirteen of the locations were determined to be unsuitable for development. Principally, this was due to proximity to residential properties, visual prominence, access constraints or a combination of those factors. This led to ten potential sites being taken forward for further consideration: the six original sites identified by UKPN, plus four of the additional locations identified. These were Sites 1-6 and Sites D, J, M and Q.

7.11 The options appraisal resulted in the emergence of three preferred options (Sites 3 (Plot 35), 5 and 6). Site 6 was the preferred option as it is well screened visually and has a 400kV tower within its boundary. This preference was made on the basis that the site design, access arrangements and 132kV connection could be achieved without incurring tree loss within ancient woodland whilst any other tree loss would be minimised. It also assumed the substation would not be located next to the road and would be within the central part of the site which benefits from the best visual screening. The preference for Site 6 over sites 3 (Plot 35) and 5 was acknowledged to be marginal.

7.12 In January 2019 the options appraisal was re-visited to appraise the impact of revised plot boundaries that SEPN had indicated were necessary on each of the plots to accommodate the proposed substations and associated infrastructure. 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.

7.13 Ecology surveys for great crested newts, bats and invertebrates have since been undertaken at Site 3 (Plot 35) and the presence of great crested newts in an adjacent pond has been confirmed.

Back-check and Review (2019)

7.14 In July 2019 a change in design, due to SEPN's increased forecast demand in the local area, necessitated an increase in the number of SGTs from two to four. This required an increase in site area from 10 acres to 26 acres and led to the previously shortlisted sites being re-assessed.

7.15 A review of the constraints mapping saw the study area split into 15 areas, with the datasets used previously confirmed as still being valid.

7.16 A review of planning policy recognised the emerging Wealden local plan progressing through the first stage of hearings at examination. While not adopted, the emerging allocations map was included in the constraints mapping to cross check against the layers previously used.

7.17 A review of the suitability of the existing options resulted in the following sites being discounted:

- Sites A to C were not increased in size as previous fieldwork and assessment had concluded that they were in a more open and less enclosed landscape and located on topography that

is orientated towards Uckfield so would be visible from a large number of properties. These sites would also be visible from nearby dispersed properties, some of which are listed buildings.

- Sites E to J were constrained by flood zones 2 and 3, residential properties, ancient woodland, the Suitable Alternative Natural Green Space (SANG) and proximity/inter-visibility with the RPG to the east.

- Site L, M and 4 were constrained by ancient woodland and an existing solar farm to the south, and by visibility with multiple residential properties along the A22 if extending the site to the north.

- Sites O and P were constrained by ancient woodland to the north and by more open and elevated land with visibility with multiple residential properties if extending the sites to the south.

- Site 6 was constrained by ancient woodland, a pond and Sand Hill Lane.

- Sites K and N were re-incorporated due to additional land availability that could meet the revised requirements and two new sites not previously identified (Sites X and Y) were incorporated.

7.18 The shortlist of sites taken forward for further appraisal included UKPN sites 1, 3 (Plot 35) and 5 and options appraisal sites D, K, N, Q, X and Y.

Options Appraisal Update (November 2020)

7.19 The updated options appraisal of shortlisted sites assessed each prospective location against the range of identified Horlock Rules[1] criteria. Key considerations included:

- Guideline 1 – Consider environmental issues from the earliest stage to balance technical benefits and capital costs;

- Guideline 2 – As far as reasonably practical, seek to avoid altogether internationally and nationally designated areas of highest amenity, cultural or scientific value;

- Guideline 3 – Protect as far as reasonably practicable, possible areas of local amenity value, important existing habitats and landscape features including ancient woodland, historic hedgerows, surface and ground water resources and nature conservation areas;

- Guideline 4 – Take advantage of the screening provided by landform and existing features and the potential use of site layout and levels to keep intrusion into surrounding areas to a reasonably practicable minimum;

- Guideline 5 – Keep visual, noise and other environmental effects to a reasonably practicable minimum; and

- Guideline 6 – Consider land use effects when planning siting of substations or extensions, including nationally important land such as Grade 1 agricultural land and sites of nationally scarce minerals.

7.20 Four further items, in guidelines 7 – 11 relate to matters of design to keep effects to a reasonable minimum in order to assist in integrating a development into its surroundings including:

- Guideline 7 – The early consideration of options for ancillary equipment such as terminal towers;
- Guideline 8 – Effective use of space to minimise the adverse effects on existing land use and rights of way;
- Guideline 9 – Design of access roads, perimeter fencing, earth shaping, planting and ancillary development;
- Guideline 10 – High and low voltage line entries should be kept visually separate; and
- Guideline 11 – the inter-relationship between towers and substation structures with their background and foreground should be studied to reduce the prominence of structures from main viewpoints.

7.21 Although Site 1 represented the lowest cost option, its elevated position meant it was likely to have potentially high levels of adverse visual effect (contrary to Guideline 5). One of the residential receptors is a listed building whose setting would likely be adversely impacted (contrary to Guideline 5). The site is also adjacent to an existing business that could be adversely affected by a substation development.

7.22 Site 2 was the second lowest cost option, however, it is in close proximity to a number of residential receptors and was likely to have potentially high levels of adverse visual effect (contrary to Guideline 5). Furthermore, following the altered design requirements the site area was deemed to insufficient to accommodate the necessary development.

7.23 Site 4 is located in a well screened location that is advantageous from a landscape and visual perspective. However, this screening is afforded by ancient woodland making it likely that the construction works; the site access and/or the 132/400kV connections would cause damage to the root protection zones or tree canopy. As an 'irreplaceable' habitat, loss or damage to ancient woodland could not be mitigated and would be in conflict with national and local planning policy as well as Guideline 3. Furthermore, the site is located approximately 1km from the 400kV overhead line and would require additional connecting infrastructure (contrary to Guideline 7) that would significantly increase the Capital Cost associated with developing this site, making it the most costly option. The additional connecting infrastructure would also increase the potential for environmental effects (contrary to Guideline 5), and an offsite location next to the 400kV overhead line would still be required to house a CSE compound (contrary to Guideline 7). Given the availability of alternative sites that also perform well from an environmental perspective, the increase in cost was in conflict with NGET's duty to be economic and efficient.

7.24 Sites 5 and 6 are mid-range cost options. Both were likely to be visible from a number of properties (contrary to Guideline 5), two of which either adjoin (Site 5) or are in close proximity to the site boundary (Site 6). Requirement for connections into both the sites and temporary overhead line diversion during construction would necessitate the loss of ancient woodland that could not be mitigated (contrary to Guideline 3). The limited area available

(Site 6) would increase the complexity of the substation design, while the use of Sand Hill Lane for construction access at both sites was likely to necessitate vegetation removal, either through temporary widening or the establishment of a layby (contrary to Guideline 9). In addition, both sites contain mature trees, hedgerows, and a pond (Site 5) that would be lost if the sites were developed (contrary to Guideline 5).

7.25 Site D is the third lowest cost option, however, the site is in close proximity to a number of residential receptors and was likely to have potentially high levels of adverse visual effect (contrary to Guideline 5). The site contains a UK priority habitat that would likely be lost (contrary to Guideline 3) and the need to route the 132kV cable connection along significant lengths of the A26 would likely to result in significant temporary disruption to other road users.

7.26 Site K is a mid-range cost option. The site was likely to be visible from a small number of properties and the need for temporary overhead line diversion during construction was likely to necessitate the loss of ancient woodland which could not be mitigated (contrary to Guideline 3). Furthermore, it would have required the construction of new access track infrastructure which could increase the potential for environmental effect (contrary to Guideline 5), while the use of Sand Hill Lane for construction access was likely to require vegetation removal, either through temporary widening or the establishment of a layby (contrary to Guideline 9). In addition, the site contains mature trees and hedgerow that would be lost if the site was developed (contrary to Guideline 3). The area available in the southern part of the site where connection would be made to the 400kV overhead line is very constrained by ancient woodland (contrary to Guideline 3), residential properties and Sand Hill Lane which would increase the complexity of the substation design.

7.27 Site N and Site Q are both located towards the eastern edge of the study area and would require long 132kV cable connections, making them the fourth (Site Q) and fifth (Site N) most costly options. Although well screened, both are in close proximity to the High Weald AONB and therefore located on the edge of a landscape considered to be of very high sensitivity (contrary to Guideline 2). In addition, a relatively popular public footpath route that forms part of the Wealdway, bisects (Site N) and partially crosses (Site Q) and would require permanent diversion (contrary to Guideline 8).

7.28 Site X is the costliest option. While its location is well screened, the site is approximately 1km from the 400kV overhead line and would require additional 400kV connecting infrastructure (contrary to Guideline 7) that would significantly increase the Capital Cost. Thus the increase in cost was in conflict with NGET's duty to be economic and efficient, given the availability of alternative sites that also perform well from an environmental perspective. The additional connecting infrastructure would also increase the potential for environmental effects (contrary to Guideline 5), and an offsite location next to the 400kV overhead line would still be required to house a CSE compound (contrary to Guideline 7). Furthermore, it would have required the construction of new access track infrastructure which could increase the potential for environmental effects.

7.29 The appraisal process concluded that Site 3 (Plot 35) and Site Y were the best performing options for the substation location, and represented the emerging preferred options.

7.30 Site 3 (Plot 35) was the fourth lowest cost option and was considered to have no significant ecology, heritage, socio-economic, or transport issues. There was perceived to be some

reduction in landscape character and quality at Site 3 (Plot 35) as a result of equestrian use (e.g. loss of traditional field boundaries / hedgerows, replaced by fencing) and proximity to the A22 which effects tranquillity and remoteness of the landscape as a frequently travelled route. This meant Site 3 (Plot 35) is generally of a lower land use quality than Site Y, which is currently used for arable crops.

7.31 Site 3 (Plot 35) provides a greater degree of separation between the site and the nearest residential receptor as compared to Site Y. Furthermore, Site 3 does not contain any PROW and can be accessed directly from the public highway with no requirement for additional access tracks. The development of Site 3 (Plot 35) would not impact ancient woodland, whereas Site Y is bordered by Tickeridge Shaw ancient woodland (contrary to Guideline 3).

7.32 Site 3 (Plot 35) is already oversailed by the existing 400kV overhead line and has a 400kV tower within the site, meaning there would be no requirement for a separate CES compound.

7.33 Site Y was the fifth lowest cost option. Although Site Y would potentially provide a greater degree enclosure than Site 3 (Plot 35), accessing the site was more problematic. The requirement to construct access tracks would increase the development footprint and was likely to result in additional vegetation removal which may ultimately result in increasing the visibility of the site to sensitive residential receptors as well as recreational receptors adjacent to the site. Vegetation removal and the loss of productive arable land would also potentially result in greater landscape effects for Site Y. The use of Site Y would require diversion of the PRoW that bisects the site (contrary to Guideline 8). The diversion of the ProW would have needed to avoid ancient woodland, placing it next to the likely new site access track that would lead to a safety risk for users of the ProW.

7.34 The High Cross Local Landscape Character Area identifies the wooded skyline as contributing to the local sense of place. Both Site 3 (Plot 35) and Site Y would introduce new infrastructure that could be visible on the skyline above surrounding woodland / tree belts. In order to avoid impacts upon ancient woodland at Site Y the existing tower would need to be retained in addition to two new towers. An additional tower would increase the potential for impact on the wooded skyline (contrary to Guideline 11). The use of Sand Hill Lane for construction access to Site Y was likely to require vegetation removal either through temporary widening or the establishment of a layby (contrary to Guideline 9).

7.35 In light of the above, the appraisal considered Site 3 as the preferred option. Although Site 3 and Site Y were similar in terms of potential landscape and visual impacts, there was a preference for Site 3 which avoids the construction of new access track infrastructure between the site and the public highway, which would have increased the potential for environmental effect (such as landscape, ecology and archaeology).

Work to support a planning application submission (November 2020 and November 2021)

7.36 Since November 2020, further technical and cost consideration did not identify any significant changes. Further environmental work was undertaken on Site 3 (Plot 35) to support a planning application which was submitted to the Council in early 2021. This site survey work, particularly with regard to ecology, did not identify any aspects that were considered to change the outcome of the site selection process. Ecology surveys found that

some protected species use the site (bats, schedule 1 birds) and immediate surroundings, (badgers, dormice, reptiles, and great crested newts). However, it was considered that appropriate mitigation could be secured to address any adverse ecological impacts both through conditions on the planning permission and Natural England's licensing framework, as further explained in the evidence of Ms Amy Copping.

7.37 As referred to in Section 5 above, the planning application was considered under officer delegated powers and the Planning Permission was granted for the Project on Site 3 (Plot 35) (Ref. WD/2021/0733/MAJ) (**CD C5**) on 12th November 2021.

8. CONSULTATION UNDERTAKEN

8.1 NGET met with Council officers during pre-application to discuss the Project and also undertook consultation exercises with local parish councils and residents as part of its community engagement.

8.2 When considering the application during determination the Council's biodiversity officer confirmed that the protected species survey reports produced had been undertaken in accordance with best practice standards, and that the proposed mitigation and compensation measures were suitable. No objection was raised subject to the imposition of conditions relating to a Wildlife Management Plan, implementation of biodiversity mitigation and management measures, and the restriction of floodlighting.

8.3 The Council's Pollution Control team raised no objection to the noise impacts of the development, having regard to the submitted noise report. A Ground Investigation Report addendum was provided to address questions regarding ground gas. The Generic Quantitative Risk Assessment of soil, soil-leachate and groundwater investigations to assess the risks to identified receptors, and a conceptual model did not identify unacceptable risks. Pollution Control did not raise objection to the assessment, on the basis of gas protection measures formed by the bases of the proposed buildings.

8.4 The Council's Conservation and Design Officer raised no concerns with the conclusions of the report in respect of impact on the historic environment, and the County Archaeologist raised no objection, subject to a programme of archaeological works.

8.5 The Lead Local Flood Authority initially objected to the Project. However, following submission of evidence that third party landowners agreed in principle to establishing an outfall across their land, the objection was removed.

8.6 East Sussex County Council confirmed that it had no objection in principle (subject to conditions) in relation to highways, flood risk and surface water drainage.

8.7 No objection was received from East Hoathly & Halland Parish Council; Framfield Parish Council offered support, while Little Horsted Parish Council provided comments regarding visual impact and disappointment regarding additional pylon installation considering pylons have recently been removed from the South Downs National Park.

8.8 In terms of consultation with landowners, as referred to within the evidence of Mr James Ingram, an option agreement for the substation site was completed with the owner of Crockstead Farm (Plot 35) in May 2020. In August 2020 survey access requests were issued to the main landowners, this was followed up the following month by survey access requests

sent to Persons with an Interest in Land (PILs) bordering the substation location and other key locations.

8.9 Between April 2021 and December 2021, Phase 1, 2 and 3 PILs were consulted advising them formally of NGET's intention to seek a CPO. In February 2022 letters were sent to 16 additional Phase 3 PILs regarding additional access over private roads or working areas.

8.10 In March 2022 access was arranged for surveys and ecology mitigation works on Crockstead Farm while correspondence continued with PILs and agents to seek voluntary rights.

8.11 Between April 2022 and August 2022 correspondence with PILs continued with site meetings undertaken to seek voluntary rights.

8.12 Detail of the latest discussions and general queries in response are set out within the evidence of Mr James Ingram.

9. MITIGATION MEASURES

9.1 Mitigation secured by the Planning Permission (ref. WD/2021/0733/MAJ) (**CD C5**) can broadly be split into the following categories:

- Ecology: as referred to within the evidence of Ms Amy Copping, an Ecological Mitigation and Management Strategy (EMMS) (**CD F10**) was submitted to the Council in order to discharge conditions 7 and 8 of the Planning Permission (Ref. AMB/WD/2022/0422/CD) (**CD C6**) and approved by the Council on 22nd April 2022. This includes both on-site and off-site measures. European protected species mitigation licences for great crested newt (GCN) and hazel dormouse were granted by Natural England in May 2022 (**CD F5.1 and F5.2**).

- Archaeology: a written scheme of archaeological investigation including an assessment of archaeological significance and proposed mitigation strategy was submitted to the Council in order to discharge condition 5. It was approved by the Council on 26th April 2022. An archaeological site investigation has been undertaken and is expected to be submitted to the Council in late November 2022 in order to discharge condition 6.

- Construction: a revised/detailed Construction Environment Management Plan (CEMP) providing details of construction mitigation and post-construction reinstatement measures is expected to be submitted to the Council in late November 2022 in order to discharge condition 11 of the Planning Permission (Ref. AMB/WD/2022/0422/CD);

- Landscape: a Management Plan is to be submitted and approved by the Council in order to discharge condition 18 of the Planning Permission. This will include long-term design objectives, management responsibilities and maintenance schedules for all landscape areas in order to screen the NGET and SEPN substations. 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.

- Transport: a Construction Traffic Management Plan (CTMP) is expected to be submitted to the Council in late November 2022 in order to discharge condition 10.

10. CONCLUSIONS

10.1 As my statement of evidence has demonstrated, there is planning policy support for the Project in terms of complying with the adopted Local Plan and the key benefits that will arise from the Project are in accordance with the NPS EN-1 and EN-5 (**CD A17 and CD A18**), and draft replacement NPS EN-1 and EN-5.

10.2 The Project will contribute to maintaining essential infrastructure for electricity supply beyond the boundaries of the district and thus provide significant public benefits. 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.

10.3 The primary consent for the Project is in place following the grant of the Planning permission. In addition, NGET is able to make use of its permitted development rights as a statutory undertaker, and exemptions under Section 37 of the Electricity Act (**CD A5**).

10.4 Through applying NGET's 'Approach to Options Appraisal' (**CD F3**), an options appraisal process has been undertaken between 2018 and 2021, demonstrate how NGET has been able to identify and balance technical, socio-economic, environmental and cost considerations to help inform decisions around alternative Project options. In complying with the approach established for sensitive siting of such infrastructure under the Horlock Rules (**CD F2**) this has helped to identify the preferred site for the new NGET GSP substation.

10.5 Appropriate consultation has been undertaken with Wealden District Council, statutory consultees and community for the duration of the Project, while environmental reporting has led to the proposal of suitable mitigation measures.

10.6 No objections received have challenged the need for the Project, the process of site selection or consideration of reasonable alternatives undertaken by NGET. No alternatives have been put forward that Wealden District Council warranted further investigation, nor has it been suggested that there remains any consenting or permitting impediment to the project being realised. In my view, there are no physical or legal impediments to the delivery of the project.

11. DECLARATION

11.1 This statement of evidence has been prepared and provided for this inquiry and given in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.

David Conway

16 November 2022