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Dear Arthur

The National Grid Gas (Western Gas Network Project) Compulsory Purchase Order 2022 ("the Project" and "the Order")

Your Clients: National Grid Electricity Distribution (East Midlands) Plc ("NGEDEM"), National Grid Electricity Distribution (West Midlands) Plc (NGETWM), and National Grid Electricity Distribution (South Wales) Plc ("NGEDSW") (together, the "NGED entities")

Our Client: National Grid Gas Plc ("NGG")

We write in response to the letter of objection dated 7 December 2022 submitted to the Department for Business, Energy and Industrial Strategy on behalf of the NGED entities ("Objection").

We note that a representation was also submitted to the Department for Business, Energy and Industrial Strategy pursuant to section 16 of the Acquisition of Land Act 1981.

As confirmed in our initial acknowledgement letter of 21 December 2022, we act on behalf of National Grid Gas Plc ("NGG") in respect of the promotion of the Order.

NGED entities interests in the land comprised in the Order ("Order land")

The land referencing exercise undertaken in connection with the preparation of the Order identified that NGEDEM have apparatus (overhead transmission lines) in Order plots 2, 4, 8, 9, 11, 15, 16, 17, 18, 19, 21, 31, 32, 48, 49, 50, 62, 64, 68, 69, 75, 76, 82, 91, 143, 144, 146, 148, 158, 160, and 161 and hold associated 'category 2' interests (rights) in respect of those lines in Order plots 9, 11, 16, 17, 18, 19 and 21 and an easement over Order Plot 2.

The land referencing exercise also identified that NGEDSW have apparatus (underground electricity cables) in Order plot 176.

As far as we are aware NGEDW does not have any apparatus or interest in the Order land.

Please can you confirm the above accurately reflects the factual position or confirm the correct position if not?

Rights required over Order land in which the NGED entities have apparatus

The below table sets out the rights that NGG are seeking to acquire over the above mentioned plots and explains the physical works that will be undertaken on those plots:

Plot Nos	Rights to be acquired¹	Works to be carried out
2, 176	"Construction Access Rights"- Rights to take access over the land with or without personnel, vehicles and equipment etc. for the purpose of constructing the Project.	NGG's appointed contractors will need to take access over these plots to facilitate construction. Minor works may be required on the land in order to facilitate such access, such as vegetation clearance. These rights will be exercised on the surface of the land during the construction phase of the Project and so the physical impact will be limited and temporary in nature. Exercise of these rights will not involve any interference with the NGED entities overhead line apparatus nor underground cable.
4, 9, 15, 48, 64, 68, 76, 91, 143, 146, 160	"Pipeline Rights and Pipeline Construction Rights"- Rights to construct and to retain, operate, maintain etc. the new pipelines and associated infrastructure, including rights to protect the pipelines from damage and interference.	NGG will need to carry out works to construct the pipeline which will involve predominantly trenched construction techniques carried out in accordance with health and safety requirements relating to working in proximity to overhead lines. NGG also need rights to keep the pipeline in situ and to operate, inspect, maintain and protect it. Inspection and any maintenance works required on/beneath the surface of the land will be carried out in accordance with health and safety requirements relating to working in proximity to

¹ The rights are set out in full in the Order

		overhead lines. These rights will not prevent the NGET entities from accessing and maintaining the overhead line.
8, 19, 50, 82, 144	"Pipeline Rights"- Rights to retain, operate, maintain etc. the new pipelines and associated infrastructure, including rights to protect the pipelines from damage and interference.	NGG will need rights to keep the pipeline in situ and to operate, inspect, maintain and protect it. Inspection and any maintenance works required on/beneath the surface of the land will be carried out in accordance with health and safety requirements relating to working in proximity to overhead lines. These rights will not prevent the NGET entities from accessing and maintaining the overhead line.
11, 17, 18, 31, 32, 49, 62, 69, 75, 158, 161	"Access Rights"- Rights to take access over the land with or without personnel, vehicles and equipment etc. for the purpose of operating and maintaining the Project.	NGG will need to take access over these plots to facilitate inspection and maintenance of the Project. Minor works may be required on the land in order to facilitate such access, such as vegetation clearance. These rights will be exercised on the surface of the land only and intermittently so the physical impact will be limited. These rights will not prevent the NGET entities from accessing and maintaining the overhead line.
16	"Lagoon Rights"- Rights to create, use and remove a lagoon to store water required for hydrotesting the pressure of new gas pipes.	Water will be needed to pressure test the pipelines as part of the commissioning process. In order to ensure that there will be sufficient water available for that purpose at the right time of year (late summer 2024), NGG will create a lagoon on this plot (amongst others) which will enable it to

		<p>extract water from the River Swift and Badsey Brook during periods of higher flow (more likely in winter and spring) and store it until it is required.</p> <p>The exercise of these rights will be temporary in nature i.e. during the construction phase only. Health and safety requirements relating to working in proximity to overhead lines will be adhered to during the creation, use and removal of the lagoon.</p> <p>These rights will not prevent the NGET entities from accessing and maintaining the overhead line.</p>
148	<p>"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.</p>	<p>NGG need to carry out works to install and maintain land drainage systems. Installation will take place during the construction phase and any maintenance works would be intermittent. The works would be carried out on/beneath the surface of the land and in accordance with health and safety requirements relating to working in proximity to overhead lines. These rights will not prevent the NGET entities from accessing and maintaining the overhead line.</p>
21	<p>"Construction Compound Rights"- Rights to create, use and remove a construction compound within which materials and equipment may be stored and welfare facilities provided.</p>	<p>NGG need to utilise this land to create a construction compound for the storage of equipment and materials and the provision of welfare facilities to facilitate the construction works. The exercise of these rights (use of and carrying out of the works to create and remove the compound) will be on the</p>

		<p>surface of the land, during the construction phase only and so temporary in nature. Health and safety requirements relating to working in proximity to overhead lines will be adhered to. These rights will not prevent the NGED entities from accessing and maintaining the overhead line.</p>
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The NGED entities concerns

NGG note that the Objection is a 'holding objection' and that the NGED entities do not objection to the Order in principle.

The Objection states that the NGET entities wish to understand the following:

- How the proposal will ensure security of electricity supply in their respective areas.
- How the proposal will protect their electricity networks during the construction phase of the scheme and following its completion.
- Precise details of the design or construction of the scheme and therefore potential operational implication.
- Precise details of the property rights and interests that will be affected by the implementation of the Order.

The Objection also expresses concern that the works associated with the Order have the potential to cause serious detriment to the carrying on of the statutory responsibilities of the NGED entities, which may result in a significant negative impact upon the distribution of electricity in their respective areas. Therefore, in order to ensure that no detrimental impact is suffered by the NGED entities as a result of the confirmation of the Order, each NGED entity may require an asset protection agreement to be entered into by NGG before the Order is confirmed.

With regard to the first bullet point above, the Project for which the Order has been made is an essential gas network reinforcement project so it will not have any impact (positive or negative) on security of electricity supply in the area per se.

With regard to the impact of the works themselves (second and third bullet points above and concerns around detriment to the undertakings of the NGED entities), as a fellow statutory undertaker, NGG is cognisant of the need to ensure that the NGED entities apparatus is not adversely affected by the proposed works.

The detailed design for the works will be undertaken by NGG's contractors who are due to be appointed in September 2023. NGG's instructing engineers will ensure that no interaction with the NGED entities assets will take place without prior consultation with the NGED entities to confirm any mitigation measures required in advance of the works being carried out and all works will be carried out in accordance with health and safety requirements relating to working in proximity to overhead lines (temporary access

only is required over plot 176 in which an underground cables is located as explained above).

NGG would be open to entering into an infrastructure protection agreement in principle, if it is found to be necessary and appropriate to do so. However, we have seen correspondence between Western Power Distribution (WPD) (now National Grid) on behalf of the NGED entities and NGG's appointed land agents, Fisher German, in which WPD confirmed that the NGED entities apparatus within the Order land comprises primarily 11kV overhead lines & a small section of 66kV overhead and that provided health and safety requirements relating to working within close proximity to overhead lines are adhered to, the NGED entities were comfortable for the proposed NGG works to be carried out and had no other requirements. In light of this previous correspondence NGG were surprised to receive the Objection and would be obliged if your Client's position could be checked and confirmed.

We trust the above is of assistance in clarifying the rights that NGG is seeking to acquire and the works that NGG will be carrying out on the land in which the NGED entities have an interest/apparatus. All works will be carried out in accordance with health and safety requirements relating to working in proximity to overhead lines.

NGG are committed to working with the NGED entities to ensure that any remaining concerns are addressed, and to secure withdrawal of the Objection.

Yours faithfully

Eversheds Sutherland (International) LLP

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cc John McKenna , Department for Business, Energy and Industrial Strategy