

Secretary of State for Transport
National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle Upon Tyne
NE4 7AR

Our Ref: CF.93586.16548
Your Ref:

Date: 17th November 2022

Direct:
Fax:
Email:

By email: nationalcasework@dft.gov.uk

Dear Sir,

The Nottinghamshire County Council (A614/A6097 Junctions Improvement Scheme) Compulsory Purchase Order 2022 ("the Order")

We act for National Grid Electricity Distribution (East Midlands) Plc (formerly Western Power Distribution (East Midlands) Plc), whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB.

Please accept this letter as an objection to the Order on behalf of our client.

Please note that we have also submitted a representation in respect of the Order to the Secretary of State for Business, Energy and Industrial Strategy under section 16 of the Acquisition of Land Act 1981.

Our client is the licenced electricity distribution company for the area covered by the Order. To facilitate its statutory obligation to distribute electricity throughout the area, it owns and operates significant electricity apparatus in, on or over the land affected by the Order.

Our client owns and operates an electricity substation located south of Newark Road, within the vicinity of the Order land, which provides connections to properties both within the Order land and off-site. The Order includes land in which our client's apparatus associated with this substation, including overground and underground cables, are situated.

Table 2 of the Schedule to the Order notes that our client has an interest in the following plots:

- 1, 4, 5a, 5c, 7a, 8a, 8b, 9, 10, 12a, 12b, 12c, 12d, 12e, 13a, 13b, 14a, 14c, 15, 16, 17, 21, 22, 25, 28, 29, 37, 38, 39a, 39b, 40a, 42, 47, 49.

Our client's interests in plots 8a, 8b and 9 relate to a right of way and right of entry for the purpose of erecting and maintaining a substation granted by a Transfer dated 3 December 2001. Our client's interests in all other plots listed above relate to our client's apparatus situated on, in or under the land for the purpose of its undertaking.

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At this stage it is not our clear to our client that this correctly identifies all of our client's interests in the Order land. Our client is currently in the process of undertaking further investigations to establish the full extent of its interests that may be affected and which other plots it may have an interest in.

Given the likely impact on the electricity network of the scheme which the Order is intended to facilitate, our client objects to the Order on the following grounds:

1. The Order and accompanying documents may not fully detail all of our client's interests, rights and the apparatus that would be affected by the implementation of the proposed scheme.
2. The electricity apparatus included within the Order land is vitally important to the electricity distribution networks, which our client is statutorily obliged to supply. Our client has concerns as to the impact of the proposed scheme on these networks and our client's ability to ensure security of electricity supply. This may be the case even where interests are not actually acquired because there is the potential for the Acquiring Authority's construction activities to impact on our client's network.
3. The Order does not adequately address or record in any formal or legally binding way how the electricity network operated by our client will be protected both during the construction phase of the scheme and following its completion, nor does it set out the full details of any replacement substation, cables and/or other apparatus that may be required. If our client's apparatus is not protected by an agreement with the Acquiring Authority, then it could potentially result in a significant negative impact upon the distribution of electricity which is our client is statutorily obliged to supply.
4. The information accompanying the Order does not provide adequate information for our client to understand fully the design and construction of the scheme and therefore the full extent of the potential operational implications.
5. The information accompanying the Order does not provide sufficient information for our client to understand fully how it would continue to fulfil its statutory responsibilities as an electricity distribution company and to comply with the terms of its distribution licence under the Electricity Act 1989 at all times notwithstanding the acquisition of its apparatus and/or interests.

Please note that the above points constitute only our client's initial grounds of objection and our client reserves the right to expand upon or add to these in due course, including in respect of any legal interests or apparatus not described or referred to in the Order.

Our client has not yet received any direct contact from the Acquiring Authority in relation to the negotiation of an agreement to safeguard the ability of our client to carry on its undertaking and comply with its statutory duties. In summary, our client requires an agreement to be entered into with the Acquiring Authority which ensures:

- (a) that suitable arrangements are put in place with regard to the replacement or relocation of any substation affected and the lifting, diversion, removal and/or replacement of existing electricity cables and lines and other apparatus in a manner that is both safe and maintains security of supply at all times;

- (b) the replacement of legal property interests and the grant of rights to our client which are equivalent to the interests and rights being acquired or affected by the Order; and
- (c) payment of our client's costs associated with the above matters by the Acquiring Authority.

Our client therefore requests that the Secretary of State does not confirm the Order and that a properly qualified Inspector is appointed to hold a Public Inquiry into the Order.

Our client is open to negotiation with the Acquiring Authority and we will advise you if an agreement is reached such that this objection and the associated representation to the Secretary of State for Business, Energy and Industrial Strategy can be withdrawn.

We shall be grateful if you could please acknowledge receipt of this letter.

Yours faithfully

Geldards LLP

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