

Electricity Transmission Property Guidance note on the use of National Grid Electricity Transmission Land

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nationalgrid

This document is for developers wishing to work with National Grid Electricity Transmission plc (NGET) to acquire rights over its land. It aims to explain our structure, approach and ways of working.

This Guidance Note will explain:

- the role of our Electricity Transmission Property Team within National Grid;
- the process for securing rights over operational and non-operational land owned by National Grid Electricity Transmission plc (leasehold, freehold, interface agreement and/or cable rights);
- common land constraints to be aware of;
- requirements in relation to planning applications and use of permitted development rights; and
- land rights and other considerations.

This guidance specifically relates to land owned by National Grid Electricity Transmission plc. The process to secure land rights on NGET land is managed through our Property Management agents BNP Paribas Real Estate (BNP PRE).

All enquiries relating to the use of this land should be directed to Electricity Transmission Property at the following email address:

NGETLandEnquiry@nationalgrid.com

This guidance does not relate to land owned by National Grid Property Holdings. Any enquiries relating to the use of this land should be directed to the National Grid Property Holdings helpdesk at the following email address:

Nationalgrid.helpdesk@realestate.bnpparibas

The developer will need to check with Land Registry to differentiate between land owned by National Grid Electricity Transmission plc and National Grid Property Holdings.

The process for securing a connection to the electricity transmission system is not covered by this guidance. For more information about how to secure a connection please visit the following website:

<https://www.nationalgrid.com/electricity-transmission/connections>

Please refer to the Glossary of Terms at Appendix 1 for definitions of any technical terms used in this guidance.

Note:

Please note that this document is for guidance purposes only, and you must always seek legal and technical advice in connection with this process. This guide and/or any communication with National Grid does not constitute a binding agreement - this is always subject to written contract.

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Section 1

About National Grid

Who are we and what do we do?

National Grid lies at the heart of a transforming energy system, spanning the UK and the US.

Our business transports electricity safely, reliably and efficiently to millions of customers and communities. But we also drive change through engineering innovation and by incubating new ideas with the power to revolutionise our industry.

National Grid Electricity Transmission owns and manages the high voltage electricity transmission network in England and Wales. Our transmission network in England and Wales covers some 7,200km of overhead line, 690km of underground cable and 337 substations.

Local distribution companies, also known as Distribution Network Operators (DNO's), own and operate the electricity distribution network. National Grid Electricity Distribution (NGED) owns and operates the electricity distribution network for the Midlands, the south west of England and South Wales.

National Grid Electricity Transmission are required, through conditions attached to the electricity transmission Licence and through statutory and regulatory frameworks, to ensure the integrity of the network and protect customer supplies. OFGEM, the energy regulator, acts on behalf of electricity consumers to ensure NGET are managing the network and developing proposals in line with the regulatory requirements.

The National Energy System Operator (NESO) operates the electricity transmission system throughout Great Britain and is an independent government-owned body separate from National Grid.

What does our Land and Property team do?

Electricity Transmission Property manages the land and property portfolio in the UK on behalf of National Grid Electricity Transmission. The team is accountable for the safe and efficient management of this estate, which includes safeguarding some land for our future operational expansion. Electricity Transmission Property also seeks to add value (including enhancement of social and natural capital), whilst always ensuring the operational integrity of our national electricity transmission system.

Electricity Transmission Property is responsible for facilitating land rights for third parties wanting to use land owned by National Grid Electricity Transmission. This includes easements, interface agreements, leases and licences across this portfolio.

These land rights are needed by:

- our connection customers wishing to connect to the electricity transmission system;
- customers connecting to the electricity distribution system through a DNO asset;
- DNO's requiring land for substation expansions or cable easement rights; and
- other developers wishing to acquire land rights.

Electricity Transmission Property facilitates land rights for third parties through the 'Use of National Grid Land Process' which is detailed within Section 2 of this document. This process is designed to support developers whilst ensuring that the transmission of electricity is always protected.

In some cases, there are business separation requirements which limit the information which can be passed between the different entities that make up our business.

Many functions across our business work together to facilitate rights to use our land. These are described below:

- **Engineering:** this team is integral to confirming land is surplus to operational requirements and ensuring that the proposed uses of the site do not compromise security of supply or possible future expansion of a substation.
- **Operations:** the site occupiers of the operational land are an important stakeholder. Input from Operations is required for interface agreements for assets being installed on operational land and uses of adjacent non-operational land.
- **Customer connections:** customers applying for a connection will engage with the Customer Connections team and may separately engage with Electricity Transmission Property about leasing land or securing an easement. For legal reasons, we are not able to link or 'bundle' land with a connection agreement.

- **Consents:** the National Consents team is responsible for obtaining planning permission for new National Grid Electricity Transmission infrastructure. They are also consulted by our Asset Protection team when responding to third party planning applications that are in proximity to existing infrastructure or on owned land by National Grid Electricity Transmission.
- **Asset protection:** a service which allows developers to make enquiries about proposed development in proximity to our assets.
- **Land regeneration:** this team will be consulted regarding a developer proposal to use our land. They will provide available information about the land condition of the area that the developer is seeking to use.



Section 2

National Grid land process

Before we can grant any rights over our land Electricity Transmission Property have an obligation to first ensure that the land will not be required by the business for ongoing and foreseeable operational activities, for example for the expansion of a substation. The process to ensure all the relevant departments are consulted before a decision is made is summarised opposite.

The process to legally complete an Option (Steps 1-6) takes approximately six months but this excludes activities which are the responsibility of the developer, notably at Step 3 (Developer Design). The overall timescales for the process are dependent on the quality of the design submitted by the developer and the complexity of the site. Timescales may be longer when the number of enquiries is high. A fee will be charged to the developer for this activity to cover NGET professional costs.

Some of these steps are not always required. For example, if a developer is entering straight into a lease or easement and does not require an option, then Optional Steps A and B will not be required. A summary graphic of the NGET Lands Process is detailed on Page 7.

Step 1: Developer enquiry

The developer must request an enquiry form from Electricity Transmission Property and complete and return the form using this email address:

NGETLandEnquiry@nationalgrid.com

The form details additional documents which must be provided at the same time. These are:

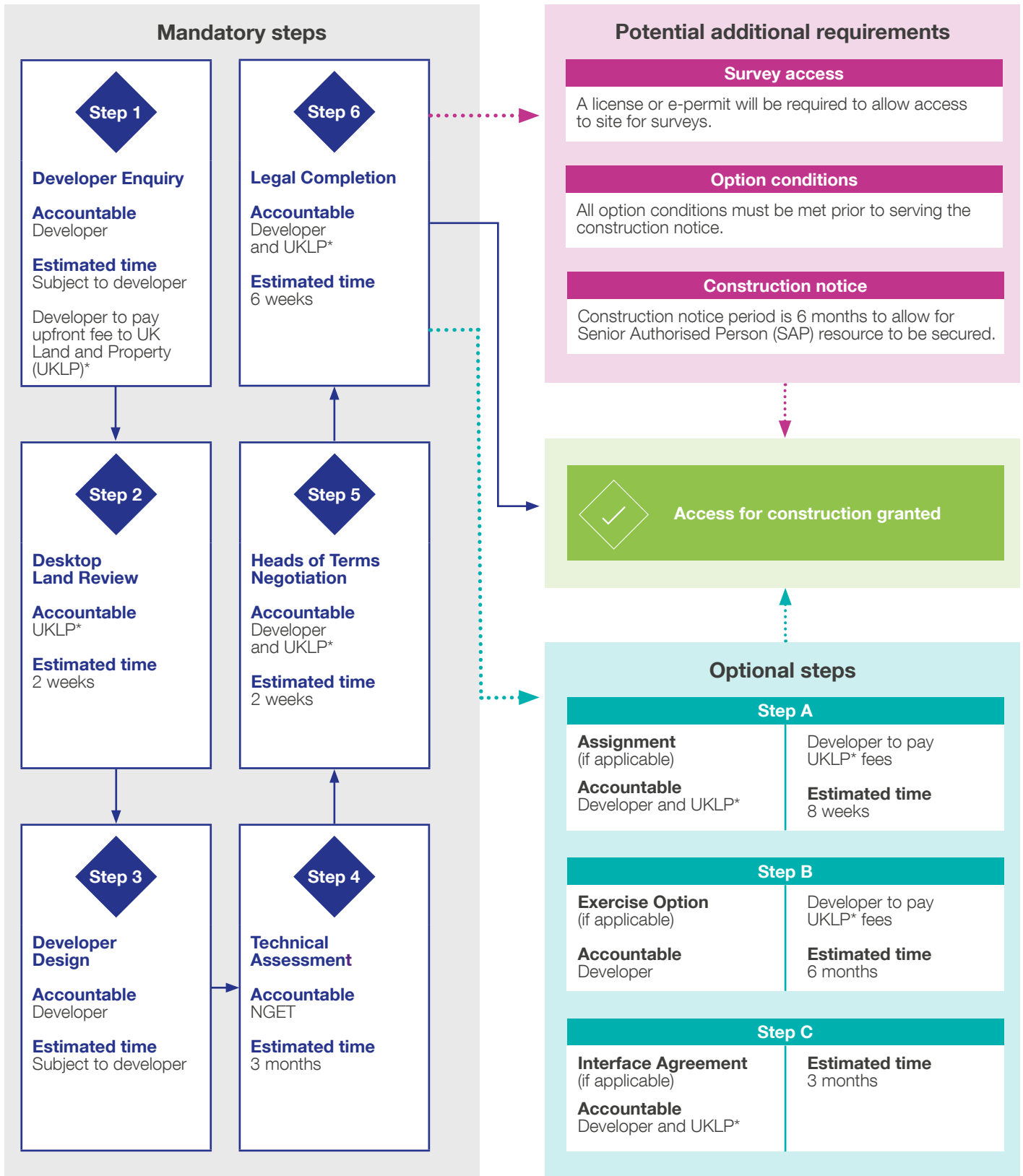
- layout plan - as PDF and associated shape (.shp) files
- evidence of a Line Search request

A fee will be payable by the developer at Step 1 to recover National Grid's costs (internal and external surveying time) for taking an enquiry through Step 1 to 6 and Step B of the process. A schedule setting out the applicable fees is included in Appendix 4 for information. Please note that additional fees may be applicable for Step A, and any variation requests.

Step 2: Desktop land review

On receipt of a completed form and fee, Electricity Transmission Property's land agent, BNP PRE, will carry out a desktop land review. This review will confirm existing land rights such as DNO's leases and current agricultural tenants as well as a summary of potential ground contamination risks. Our land agent will provide feedback on these constraints as a PDF report so the developer can design their development accordingly.

Use of National Grid Electricity Transmission (NGET) Land Process



Contact e-mail NGETLandEnquiry@nationalgrid.com

*Service may be provided in house or by a Framework Supplier (including legal and surveying services)

Step 3: Developer design

At this stage, the developer works up their design taking account of the constraints identified through their own due diligence and from the desktop land review carried out at Step 2. The developer can request a meeting with an engineer to look at general layout which should consider all the potential land constraints. At this stage there is liaison between the developer and National Grid to ensure a suitable route for all parties is progressed for consideration at Step 4. Please refer to Section 5 of this guidance for more details of the types of land constraints that need to be considered. Developers are encouraged to undertake a site visit and complete any intrusive or non-intrusive surveys at this stage of the process. Please see Land Rights and Access Requirements table on Page 9 for further information on access to NGET non-operational land.

The developer will be asked to provide further information, as detailed in the Step 3 to 4 checklist in Appendix 5, prior to progressing to Step 4. The information we require must detail the equipment being installed, demonstrate constructability and allow us to assess the impact on our non-operational land.

Please note, developer schemes will not be able to progress past Step 3 until there is certainty of the future design of the substation and/or the Point of Connection is known.

Connections Reform update

Reform of the connections arrangements is continuing to progress via NESO's proposals to Ofgem. They apply a gated, process which better ensures project readiness and strategic alignment - of both new and existing projects.

NGET is continuing to work closely with NESO and industry to consider how these proposals will be implemented in detail. Once Ofgem have made the necessary policy determinations, our teams will update this guidance accordingly to reflect any changes.

Step 4: Technical assessment

Our engineering team will assess all the information submitted by the developer to ensure that our assets are protected from any permanent or temporary works and are accessible for maintenance. If the information provided is not adequate for the technical assessment the developer will be requested to re-design or provide additional information. This is likely to result in delays to the process.

Our engineer will also consult our National Consents team who will check consents records and any associated conditions and restrictions to ensure that these have been accounted for by the developer.

Our Land Regeneration team will also be consulted again at this stage.

During this step, our engineer will provide informal feedback to the developer as necessary. This will flag any issues or risks with the proposal as early as possible to allow the developer to make changes.

At this stage the developer will be expected to consult other parties that may have equipment on the land affected by the proposal, for example the local DNO. The developer will need to provide evidence that the other affected parties are comfortable with the proposed development.

Once our team has completed the review, the proposal will be presented at a governance meeting to determine whether the proposal can be accepted or not. Following this meeting, a formal response will be provided to the developer.

This response may be either:

- a. acceptance of proposal; or
- b. rejection of proposal (for example on grounds such as future operational need for the land or impact on existing assets); or
- c. acceptance of proposal with conditions (for example, a requirement for the developer to work with restrictions such as reduced cable easement width or cable route amendment).

Land Rights and Access Requirements

Land Right	Permitted Works	Facilitated By	E-Permit Required?	Handover Required?	Administration Timescales*
None	Non-Intrusive Works e.g., site walkover, ecological survey	BNPPRE	✓	✗	2 weeks (as per E-Permit Guidance)
Lease	As agreed by the terms of the lease	BNPPRE and solicitors	✗	✓	Dependent on project complexity and terms of Option Agreement
Easement	Installation of cable within easement strip, working corridor and construction timeframe as agreed in the terms of the easement	BNPPRE and solicitors	✓	✗	Dependent on project complexity and terms of Option Agreement
Survey Licence	Intrusive ground investigations	BNPPRE	✓	✗	2 weeks
Construction Licence	Construction works outside of lease demise or easement working corridor/timescales and occupation of the area for less than 6 months	BNPPRE and solicitors	✓	✗*	6 weeks
Construction Lease	Construction works outside of lease demise or easement working corridor/timescales and occupation of an area for 6 months or more	BNPPRE and solicitors	✗	✓	6 weeks
Laydown Licence	Temporary use of an area for welfare facilities, parking, or storage during works on site and occupation of the area for less than 6 months	BNPPRE and solicitors	✓	✗*	6 weeks
Laydown Lease	Temporary use of an area for welfare facilities, parking, or storage during works on site and occupation of the area for more than 6 months	BNPPRE and solicitors	✗	✓	6 weeks

Please note the above timescales are indicative based on the agreement using the NGET template. If a developer seeks to negotiate terms within the template or there are delays in communication, the timescales above are likely to increase.

*to be assessed on a case by case-by-case basis whether a handover is required.

If the proposal is rejected at this stage, the developer can return to Step 3 to make the necessary revisions to their application. If a developer proposal is accepted at this stage, this does not mean that National Grid Electricity Transmission gives a warranty that land is suitable for the proposed development. The developer is wholly responsible for satisfying themselves as to the condition and suitability of the land.

During Step 4 our land agent will commence informal land negotiations regarding the standard Heads of Terms. However, formal land negotiations will not take place until the technical assessment is complete and the proposal is accepted.

Step 5: Heads of terms negotiation

Our land agent will finalise the Heads of Terms. At this stage we will seek an undertaking from the developer for reasonable legal costs we will incur.

Step 6: Legal completion

Our appointed solicitor will progress the legal agreements and co-ordinate with the developer's legal firm through to completion. However, our solicitor cannot commence work until the developer has provided an undertaking for our reasonable legal costs.

Post completion obligations: Please note the developer will be required to provide a Completion Notice and accurate as-laid drawings for the cable once installed. The time frame for providing these drawings is shown on the next page 11. The as-laid drawings will be checked against the rights granted. The developer may be asked to re-locate the cable if it has not been installed along the agreed easement route and will be fully liable for any associated costs.

Optional Steps

Step A: Assignment (if applicable)

If a developer has secured land rights and wants to assign this to another legal entity an additional step will be required (Step A). This will require the developer to notify Electricity Transmission Property to have the Option assigned. The developer will be required to pay an additional fee to cover this step. Step A also applies to the adoption of cables by DNO's after construction. The Easement will need to be assigned to the DNO post construction.

Step B: Exercise option (if applicable)

If a developer has secured an Option for an easement then this step will be required. The developer must liaise with Electricity Transmission Property to ensure that all necessary conditions of the Option have been met, which includes the provision of necessary construction information. A "Checklist" will be issued by Electricity Transmission Property to the Developer upon completion of Step 6, which sets out what the Developer must complete before progressing into Step B. At which point, the Option can be exercised and the developer can enter into the lease or easement.

The time line on the next page 11 gives an indication of timescales if a developer enters into an Option Agreement at the end of Step 6. This details the legal framework that a scheme will need to go through at Step B in order for the developer to exercise the Option and enter the Lease or Deed of Easement.

Step C: Interface agreement (if applicable)

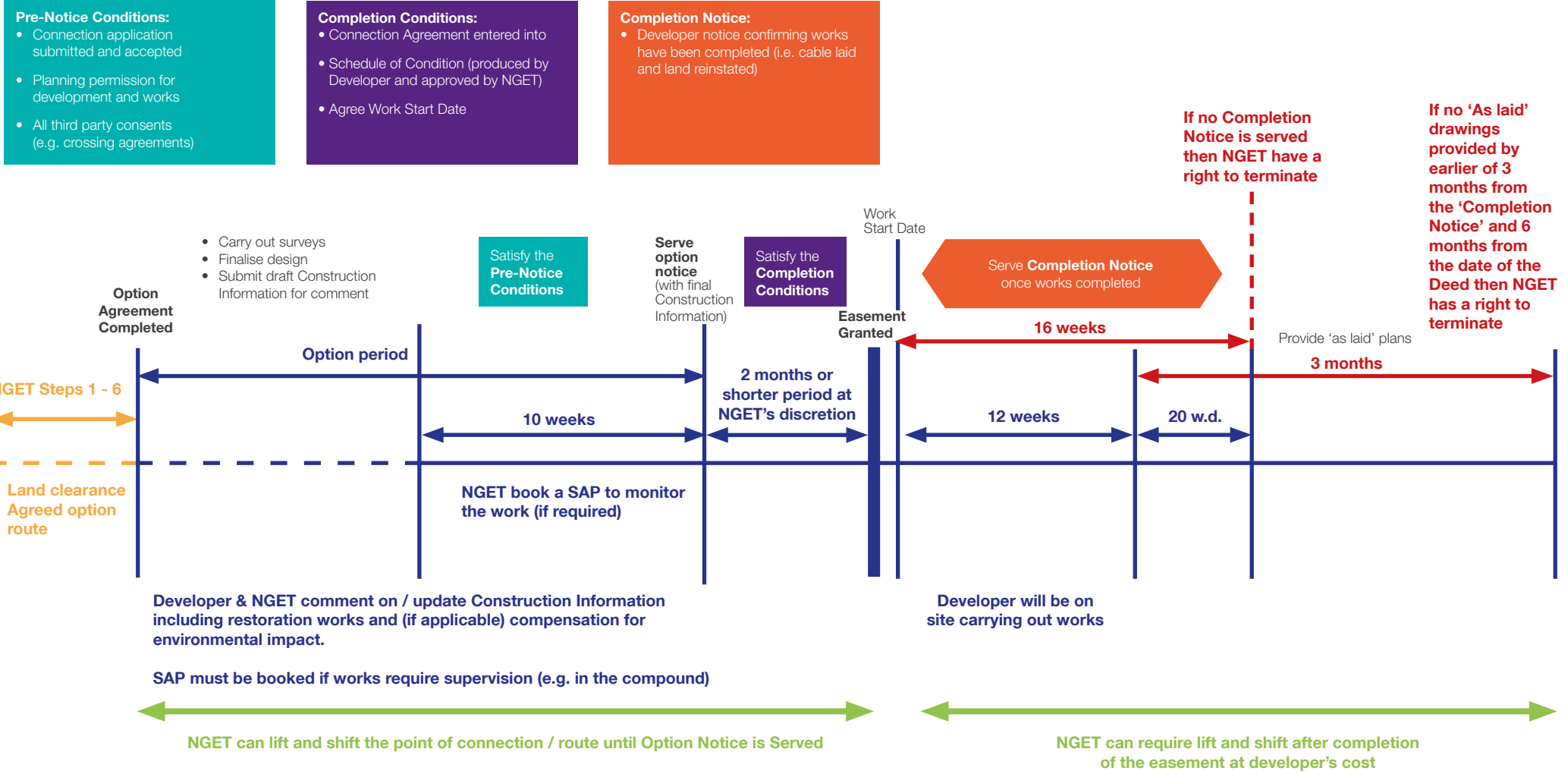
If a developer is installing equipment within the high-voltage compound of a National Grid substation, on operational land, then an Interface Agreement must be entered into.

Interface Agreements are required to govern the relationship on shared sites between National Grid and third parties. They govern ownership, shared use of assets, services or rights over land between National Grid and the third party.

The developer should engage with the relevant NGET Project Manager or Customer Account Manager to initiate the process of getting an Interface Agreement in place. Please note that the Interface Agreement should be completed prior to first site access and developers should be seeking to begin discussions with the assigned NGET Project Manager or Customer Account Manager 6 months prior to the First Site Access date for construction on Operational land.

The Interface Agreement is will supplement the lease or easement on the non-operational land but is completed at Delivery stage of the project.

Step B (Exercise Option) Completion Process



Please allow minimum of 6 weeks to arrange a construction licence/lease or laydown licence/lease.

Please allow minimum 10 working days to arrange an intrusive survey licence.

The above timeline gives an indication on timescales once a developer enters the Option Agreement at Step 6 and the typical legal framework processes that a scheme will need to go through to exercise the Option in Step B.

Key
 Pre-legal framework
 Legal framework

Section 3

Our approach

Our Electricity Transmission Property team will work collaboratively with developers in a way that is fair, but also commercial. We need to ensure that any grant of rights is in accordance with and does not contravene the terms of our Licence and statutory obligations as stated in the Electricity Act. Some specific principles are detailed below:

- a. Priority will be given to safeguarding our current and future operational requirements and discharging our statutory duties. As a result, we are only leasing land in very limited circumstances as the majority of National Grid Electricity Transmission land is safeguarded for potential future operational use.
- b. All developers will be treated in a fair and consistent way including the application of land valuation principles. Disposal of land rights will be at market value.
- c. A land parcel will only be confirmed to the developer on the completion of Step 4 (Technical Assessment) of the Use of National Grid Land Process. Any costs including those associated with a planning application submitted prior to this point are incurred at the developer's risk.
- d. Technical assessment approval may be time limited on a case by case basis, with a minimum period for safeguarding the land of 12 months.
- e. If Step 6 (legal completion) is not completed, before the expiry date of the Technical Assessment approval (where it is time limited) the land will no longer be safeguarded.
- f. Should a developer decide to change their route after Step 4, the proposed change will require re-approval and need to go back through Step 4 (Step 4i) which will incur an additional charge.

This may then require additional charges for Steps 5i and Step 6i should they have already commenced.

- g. Electricity Transmission Property will provide regular communication with developers throughout the process and will appoint a single point of contact for the developer.
- h. Our sites are likely to have multiple developers seeking to acquire land rights simultaneously, some of whom may be our connection customers or Distribution Network Operator connection customers. Any proposals being considered at the same site will be looked at in conjunction with each other and a site strategy will be put in place which seeks to deliver all opportunities. This is a more complex scenario and may cause delay to the process. Developers are expected to co-operate with each other on sites where there are multiple connections and space is limited.
- i. Given the complexity of the sites and number of connections, NGET will work with Developers at Step 4 to select the most suitable cable route for the scheme. Developers will not be able to take forwards multiple cable route options into Option Agreements.
- j. NGET requires Developers to consider other connections and NGET works when confirming the width of the Option Areas and Easement widths. NGET will not accept proposals that look to secure an Option or Easement over large swathes of the NGET Non-Operational land. Developers must work co-operatively to enable all connections to be delivered, including reducing Option Areas and Easement widths to the minimum construction and easement width.

Section 4

Land rights

It is a mandatory legal requirement for developers to secure the necessary land agreements and have all formal documentation completed before land is occupied.

The table below shows the types of land agreements that we will enter into with developers/third parties and example scenarios when they may be appropriate:

	Example scenarios
Cable easements	Electricity generators, such as solar farms, may require an easement over non-operational land in order to connect into our substation or a DNO substation.
Temporary Licences	Developers may require a Licence for temporary works, a construction or laydown area or to carry out site investigations. If occupation of the area will be for longer than 6 months this will need to be documented by a lease.
Option agreement	These are for easements or leases where land needs to be secured before a developer has achieved planning permission or a connection agreement or for funding purposes.
Interface agreement	These are required in order to document assets being installed within the operational area of a substation. They govern ownership, shared use of assets, services or rights over land between National Grid and the third party.
Fibre Wayleaves	Telecommunications providers requiring Fibre Wayleaves to connect into NGET substations on behalf of NGET, Developers or DNO's.
Access Easements	Developers may require permanent access through NGET land for the development and operation of their off-site scheme (not including the cable easement construction). If acceptable to NGET, these requests will be negotiated on separate commercial terms.

Regulatory requirements

The legal documentation has several provisions needed to ensure that we meet the terms of our Licence and meet our core utility function. This includes:

- access and cable rights will need ‘lift and shift’ relocation provisions at the developer’s cost; and
- obligations to reinstate including a reinstatement bond or rent deposit deed where appropriate.

Connection customers

National Grid Electricity Transmission owns land in the vicinity of both our substations and Distribution Network Operator substations. Developers wishing to obtain a connection may require an easement over land managed by Electricity Transmission Property. Where possible an Easement will be entered into directly with the developer.

However, an option may be put in place while the developer secures a connection and/or planning consent. Options will typically be limited to 18 months with a potential opportunity to extend by 12 months.

Further details of the specific process and legal requirements for connection customers are set out at Appendix 2 (Lease and easement process for connection customers).

Third party land rights

If the developer needs to gain access to adjoining land or secure land rights from a third party (including crossing agreements if the developer needs to cross third party apparatus), they must take responsibility for negotiating those rights. We have no statutory land rights over third party land which can be conveyed to the developer. Please refer to Section 8 regarding the use of permitted development rights.

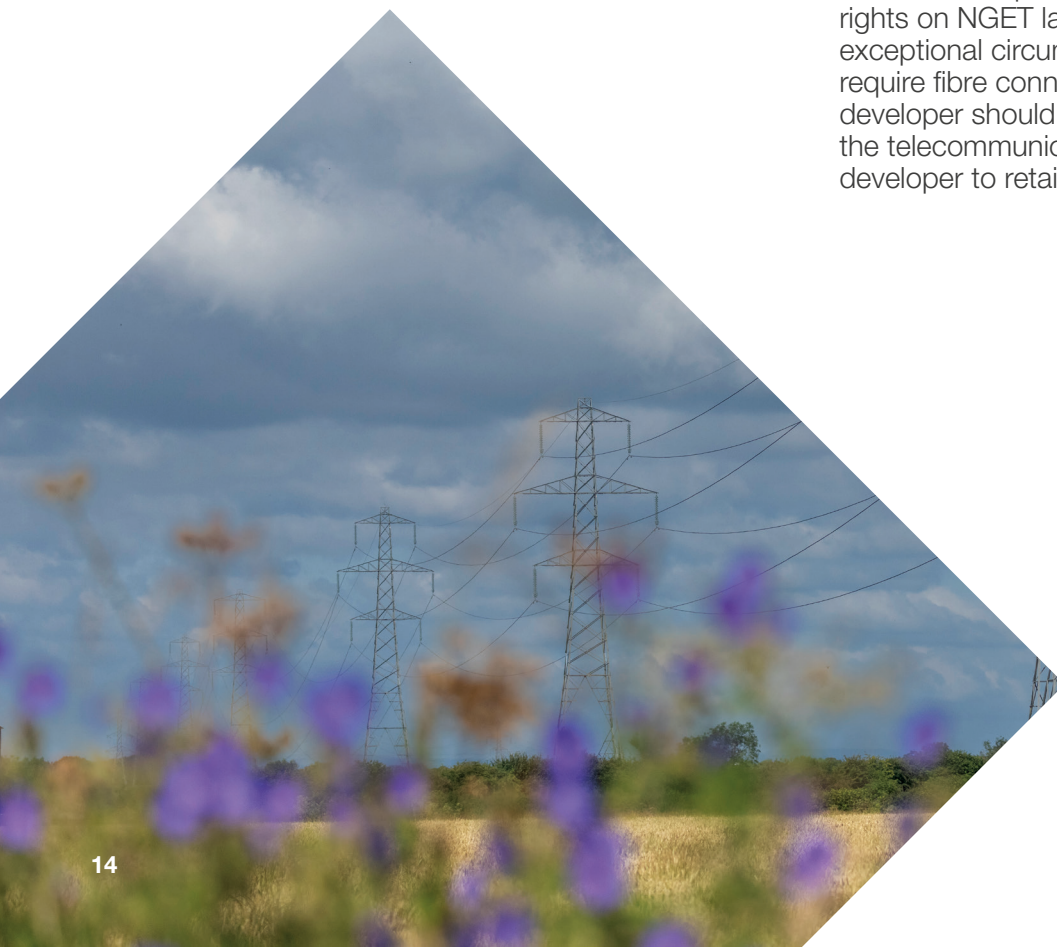
Temporary Licences

If a developer wants to carry out any works during the option period, such as tree removal or installation of ducting, then a Construction Licence will be required. Entering into a Construction Licence does not negate the requirements to meet the conditions to enter into the Option Agreement Deed (if applicable).

Where a developer wishes to utilise NGET non-operational land for the lay down or compound for their construction works, a temporary licence will be entered into. If occupation of the area will be for longer than 6 months this will need to be documented by a lease.

Telecommunications

Telecommunication providers sometimes require wayleaves to install fibre cables through NGET land. These will be dealt with on a case-by-case basis through the Use of NGET Land’s process. The granting of Code rights on NGET land will only be accepted under exceptional circumstances. Should developers require fibre connections across NGET land the developer should ensure their agreement with the telecommunications operator allows for the developer to retain ownership of the fibre cables.



Section 5

Land constraints

Each site in our portfolio has a unique history and set of constraints. Some of the common constraints affecting our land are described below:

Existing land rights

There is a variety of existing land rights on our land which may provide a constraint to development, details of which will be provided where known to the developer at the end of Step 2 (Desktop Land Review). The main land rights constraints across our portfolio are:

- **Agricultural holding act tenancies** - these provide security of tenure to the lessee with potential succession rights. A surrender of these tenancies is subject to specific clauses under the Act and the process to gain vacant possession can be lengthy. Compensation will have to be paid for any crop or business loss incurred by the agricultural tenant.
- **Farm business tenancy** - generally we can recover vacant possession within 6 to 12 months. Compensation will have to be paid for any crop or business loss incurred by the agricultural tenant.
- **Other utility wayleaves and easements** such as fibre, water and gas.
- **Grazing Licences** - vacant possession can be obtained at the end of a short-term license.
- **Title restrictions** - there may be general restrictions on the title which provide a constraint to development.

The developer will be subject to any such constraints and will need to comply with the requirements of each. In addition, there may be DNO land rights which affect our land and present a constraint to development. To understand these, the developer should consult with the DNO to obtain an asset plan.

Planning conditions and constraints

There may be existing planning conditions or legal agreements relating to our land that may affect a proposed development that need to be considered, for example a condition requiring land to be retained as tree screening or where Biodiversity Net Gain (BNG) is being delivered and there is a long term maintenance requirement.

Our land may form part of the order limits of a Development Consent Order for a Nationally Significant Infrastructure Project, such as a large off-shore wind farm connecting to the electricity system. As a result, developers will need to understand the extent of the order.

The developer will need to undertake their own planning searches of our non-operational land to establish if such planning conditions or constraints exist. If any are identified, the developer should raise these with Electricity Transmission Property.

Existing operational assets

The physical security, safety and access requirements of our operational assets provide some practical limitations on development. Overhead lines, pylons and buried cables are likely to be present on our land and may be in our ownership or other parties such as DNOs.

The developer is required to make an Asset Protection enquiry during Step 1 of the Use of National Grid Land process. This is to ensure that, at the outset, developers are fully aware of the presence of operational assets affecting the land that they want to use, and that these have been considered early in the design stage. Details of our Asset Protection service are provided at Section 6 of this guidance.

Developing or working on our land near operational assets raises several issues which require early consideration by developers. The developer must comply with our policies detailed at Appendix 3. Some of the key issues are detailed on the following page.

- **Operational fencelines**

For security reasons no buildings or structures that could provide a climbing aid will be considered if they are within 2 m of the operational fence surrounding our operational land. Developers are required to provide a separate fenceline around their compound and cannot share our operational fenceline. Our engineers require unobstructed access along our operational fenceline to carry out routine security checks and maintenance work.

- **Overhead line conductors**

It is vital that appropriate safety clearances are maintained and the need to provide suitable access for future maintenance is considered when developers are designing proposals in proximity to overhead lines.

Safety clearances at specific locations will be dependent on several factors including the line's operating voltage, construction, topography and nature of the proposed development. For technical and amenity reasons we do not encourage built development immediately beneath overhead lines.

- **Pylons**

We need to have safe access for vehicles around pylons and development that restricts this will not be permitted. Excavations or permanent structures that might affect the foundations of a pylon will not be allowed.

If development is proposed within 30 m of the pylon base this will generally be discouraged and will need careful consideration depending on the nature of the development in this area.

- **Buried cables**

The presence of existing underground cables gives rise to specific safety requirements. The area immediately above and for a distance on either side must be kept clear of buildings, structures and tree/ hedgerow planting.

If the developer is proposing to install direct buried cables as part of their development, separation from existing NGET cables is to be agreed with NGET if within 5 m and no less than 500 mm. This is required in order to avoid electrical or thermal interactions between the cables and the adjacent infrastructure, and for safety reasons during construction works.

Cable routes through operational land are to be as short and direct as possible. It is not permissible to install a cable through NGET operational land for any reason other than to make a connection to the NGET transmission system.

It is a strong preference that any proposed new cable routes avoid crossing existing NGET and third party cables where possible. If this can not be avoided then, with NGET cables, we will need to review and if satisfactory, accept the details of the proposed crossing as part of the construction information. With third party cables or apparatus it will be for the developer to secure the necessary crossing agreements to NGET's satisfaction.

Access roads

Installing cables in substation access roads should be avoided so that access to our substations can be maintained 24/7. The use of access roads for cable installation will only be considered if:

- a. there is no evidence of a viable alternative option;
- b. there is sufficient space to accommodate the cables within the freehold;
- c. it can be demonstrated that 24-hour access to the substation can be maintained during construction; and,
- d. we have reviewed a cable engineering design that confirms it is a viable option.

Developing or working on our land near operational assets raises several issues which require early consideration by developers. The developer must comply with our policies detailed. Cost alone will not be accepted as evidence that there is no viable alternative cable route option.

Access through high voltage compounds will generally not be permitted except to access equipment included in an interface agreement or in circumstances where there is no alternative access route and then only during the construction period.

If the developer is proposing to utilise the National Grid owned private access road to enter their development (rather than just their cables and any assets within the substation) an access easement will be required. The terms for this easement will be dealt with on commercial terms.

Future operational requirements

Where Electricity Transmission Property need to safeguard some areas of non-operational land for future operational reasons, for example to expand a substation to accommodate additional equipment, a land right will not be provided.

Biodiversity and natural capital

We have obligations to maintain and enhance biodiversity and natural capital on our land. While this does not preclude development, it may influence how works are carried out and land used so as to minimise the environmental impact and to compensate for loss where required. This might include a requirement that cables are laid using horizontal directional drilling. We refer you to Section 7 below for further information.

Developers will need to undertake their own searches and surveys for key environmental features on or near to our non-operational land which may affect the proposed development. Such features are likely to include:

- European, national and local level designations (for example Special Areas of Conservation, Ancient Woodland, Local Wildlife Sites);
- Tree preservation orders;
- Public rights of way;
- Protected species licenses and
- Pre-existing third party planning conditions

This is not an exhaustive list and it is for the developer to determine and understand the constraints conferred by such features.



Section 6

Asset protection and land access authorisation

We will not authorise or agree safe systems of work with developers and contractors but will advise on issues such as electrical safety clearances and the location of towers and cables via the National Grid Asset Protection team or Line Search facility.

Line Search provide search facilities for our assets so developers can:

- find out if it's safe to dig before they start
- find out where underground electricity cables are buried
- report any works being planned

We will work with developers to minimise the impact of any operational assets that are nearby. We ask developers to provide a plan of the entire development to our Asset Protection team so that they can review the impact within, or in close proximity to the proposed development.

The developer is required to make an asset protection enquiry during Step 1 of the Use of National Grid Land Process. The contact details for this service are:

lsbud.co.uk

assetprotection@nationalgrid.com

0800 001 4282 (Asset Protection)

Authorisation to access National Grid land (E-Permit)

All access to non-operational land needs to be agreed with NGET in advance through an authorisation process known as E-Permit. This is in addition to land rights granted e.g licence or easements.

An E-Permit will be required for accessing:

- Non-Operational land that is not currently leased by a third party;
- Non-Operational land under an Option Agreement with the third party;
- Non-Operational land under a Wayleave or Easement with the third party (unless in the event of an emergency);

This includes non-intrusive activities, such as a site walkover, and intrusive works.

The E-Permit process will enable BNPPRE to share information on site specific hazards and provide all parties with details of who has permission to access site while the works are taking place.

An E-Permit is not required where the proposed works fall wholly within the area leased by the third party.

A link to request an E-Permit is provided below:

[nationalgridlive.e-permits.co.uk](https://www.nationalgridlive.e-permits.co.uk)

The link to further information on E-Permits is provided below:

<https://www.nationalgrid.com/electricity-transmission/use-of-national-grid-land>

Section 7

Environmental considerations

As a responsible business we recognise that the natural environment provides valuable benefits and services both for biodiversity and society. Ecosystem services such as climate regulation, flood control and pollination provide direct benefits that have an intrinsic value. As a result, we have commitments to protect and enhance the natural environment, which are outlined in NGET's Environmental Action Plan(link in Appendix 3).

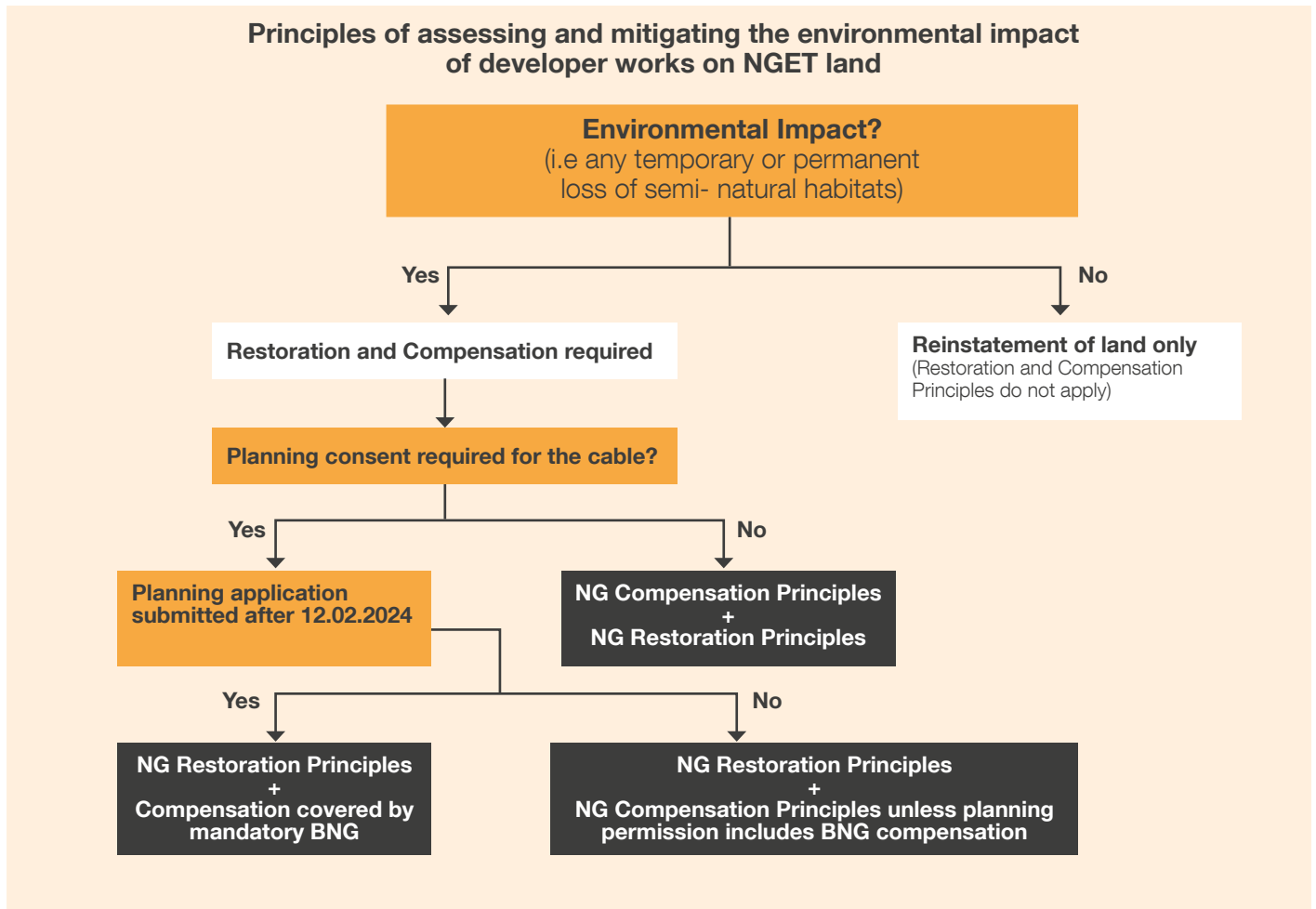
National Grid Compensation Principles and Restoration Principles

Developers must be aware of our environmental commitments when seeking to acquire rights over our land. Developers will be required to demonstrate in relation to any works on NGET land which result in the temporary or permanent loss of semi-natural habitats, that:

- the mitigation hierarchy has been followed with avoidance of habitat loss or damage wherever possible, with particular emphasis on retaining existing tree stock;
- the method of carrying out the works and reinstating NGET's land accords with the **National Grid Restoration Principles**. This may also require the carrying out of replacement, replanting or reseedling of the original restoration measures to ensure establishment over the first 5-year period after restoration; and
- compensation is made in accordance with the **National Grid Compensation Principles** unless BNG provision is made in the developer's planning consent and the consent includes the works on NGET's land or the developer enhances the BNG provision relating to the project to compensate for the loss arising because of the works on NGET's land.



The application of the National Grid Restoration Principles and the National Grid Compensation Principles can be as follows:



The **National Grid Compensation Principles and National Grid Restoration Principles** are set out on the next pages.

There may be occasions where planning conditions stipulate tree planting on site (for example screening is required or retained). In this instance there may be contradictions between planning conditions and the National Grid Restoration and Compensation Principles. If this is the case, developers must inform us at the earliest opportunity to discuss a pragmatic application of the Principles within the constraints of any planning conditions, and potential site limitations.

The developer must carry out relevant ecological surveys. This includes an arboriculture impact assessment where relevant (e.g. where tree loss is proposed or where root protection areas could be compromised such as during horizontal directional drilling). Copies of all surveys and reports must be provided to NGET before the developer can exercise the option.

These surveys should help inform the design with avoidance of the most valuable habitat, in biodiversity terms, considered in the first instance.

The developer will be required to submit details of what, how and when the works to NGET's land will need to be carried out. Such details must include the works required to comply with the National Grid Restoration Principles and, where applicable, the National Grid Compensation Principles.

The Compensation Principles apply where the reinstatement of habitats (Restoration) following construction work still results in a long-lasting residual effect on biodiversity either through land take or the long-lasting effect of tree removal.

If compensation is required by way of planting of trees on another site, then evidence of compliance or payment to the relevant third-party organisation will be required before the grant of the land interest in NGET's land.

National Grid Restoration Principles

The Restoration Principles in Table 1.1 provide simple prescriptions for the reinstatement of habitats within National Grid Non-Operational land.

Table 1.1
Restoration and establishment requirements by Developer's for habitats lost on National Grid's Land

Habitat type	Restoration requirement	Establishment need
<p>Hedgerows</p>	<p>Hedgerows will be replanted with the species representative of the hedgerow. This should be either as the same species assemblage as pre-construction as determined by the ecological baseline survey, or as per the below – whichever represents a more diverse species assemblage.</p> <p>They should be at least five plants per linear meter in a double staggered row. The number and type of species planted will reflect those removed (non-native species to be replaced with native species where appropriate), with the aim of ensuring at least two native species per linear metre, and at least three native species in any 5m length of replaced hedgerow.</p> <p>Restoration is considered to be achieved when there is no loss of length of hedgerow post-construction. A residual effect requiring Compensation refers to any permanent loss (measured in meters).</p>	<p>Plantings will be protected from herbivory using biodegradable tree guards. Newly planted scrub will be monitored in spring/summer for five years with any failures within this period replaced in the next available growing season.</p>
<p>Scrub</p>	<p>Scrub will be replaced with plantings at approximately 2.5m centers, using the species mix equivalent (ideally with greater diversity) of that removed (non-native species to be replaced with native species where appropriate). The aim should be to establish a species assemblage of at least three native species per every 25m² of reinstated habitat.</p> <p>Restoration is considered to be achieved when there is no loss of scrub post-construction. A residual effect requiring compensation refers to any permanent loss (measured in square meters) – i.e. there is new infrastructure that prevents planting.</p>	<p>Plantings will be protected from herbivory using biodegradable tree guards. Newly planted scrub will be monitored in spring/summer for five years with any failures within this period replaced in the next available growing season.</p>

Habitat type	Restoration requirement	Establishment need
<p>Woodland and individual trees</p>	<p>To protect the integrity of below ground utilities any woodland and individual trees to be replaced with scrub (see above).</p> <p>Small trees (diameter at breast height (DBH) less than 30cm) to be treated as scrub regardless of species, and therefore if replaced as scrub Restoration is considered complete.</p> <p>For larger trees and woodland, compensation is required as the ecological function of a tree or woodland is not entirely restored via scrub planting.</p>	<p>N/A</p>
<p>Modified grassland (less than 8 species per meter square)</p>	<p>Damaged areas to be resown with an appropriate seed mix ensuring it is representative of the adjacent grassland.</p> <p>Restoration is considered to be achieved when there is no loss of grassland post-construction. A residual effect requiring compensation refers to any permanent loss (measured in square meters) – i.e. there is new infrastructure that prevents planting.</p>	<p>Seed bed to be prepared appropriately. Newly sown grassland will be monitored in spring/summer for five years with additional weed control, scarification and over-seeding as required to ensure establishment delivered at the first appropriate management point.</p>
<p>Other grassland (9 or more species per meter square)</p>	<p>Turf to be stripped from working area, stored adjacent to the works and replaced following the closing of trenches. Where duration of works suggests viability of approach is low an appropriate seed mix containing the species identified during baseline surveys is to be sown.</p> <p>Restoration is considered to be achieved when there is no loss of grassland post-construction. A residual effect requiring compensation refers to any permanent loss (measured in square metres) – i.e. there is new infrastructure that prevents planting.</p>	<p>Soil to be prepared appropriately to receive turf or seed. Turfed or sown grassland will be monitored in spring/summer for five years with additional weed control, scarification and over-seeding as required to ensure establishment delivered at the first appropriate management point.</p>

Other habitats (for example wetlands such as reedbed, ditches, watercourses, heathland etc.) will need to be reinstated on a case-by-case basis, dependent on their biodiversity value, complexity and compatibility with below ground utilities infrastructure.

National Grid Compensation Principles

The Compensation Principles are based on planting of trees by third parties to generally enhance the woodland cover of the UK, and prevents the benefits that National Grid are providing through changed management on non operational land from being undermined.

Table 2.1
Compensation requirements for habitats lost on National Grid's Land

Habitat type	Specification	Compensation
Hedgerows	Linear meter of permanent loss is the relevant unit of measure.	Five trees planted, secured through a third-party ¹ provider for each linear meter lost.
Scrub	Square meter of permanent loss is the relevant unit of measure. Note where stem diameter of any tree is more than 30cm consider in the 'woodland and individual tree' category.	Five trees planted, secured through a third-party provider for each square meter lost.
Woodland and individual trees	A count of each tree lost with a stem diameter of more than 30cm.	Eight trees ² planted per tree lost, secured through a third-party provider.
Modified grassland (less than 8 species per meter square)	Square meter of permanent loss is the relevant unit of measure.	Two trees planted, secured through a third-party provider for each square meter lost.
Other grassland (9 or more species per meter square)	Square meter of permanent loss is the relevant unit of measure.	Five trees planted, secured through a third-party provider for each square meter lost.
Other habitats	Square meter of permanent loss is the relevant unit of measure.	Five trees planted, secured through a third-party provider for each square meter lost of non-priority habitat. Ten trees planted, secured through a third-party provider for each square meter lost of priority habitat

¹ It is not expected that third party providers adhere to Biodiversity Net Gain Habitat Unit standards or claim Woodland Carbon Code credits as financial costs will be high. Rather, there are many schemes run by environmental charities and others where individual trees or groups of trees can be purchased / sponsored for planting at reasonable cost. Equally, National Grid welcome other approaches within the local community, for example: trees could be purchased directly from a nursery and gifted to a local conservation group, school or similar.

² The 8 to 1 ratio is based on the loss of a large tree as the newly planted trees will be of a small size. This is the equivalent (in area terms as calculated by the tree helper in the statutory biodiversity metric: user guide published by DEFRA available here) https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The_Statutory_Biodiversity_Metric_-_User_Guide_23.07.24_.pdf of a 3 to 1 replacement. The 3 to 1 ratio has been used as a rule of thumb for tree replacement to account for losses, failure to thrive and the amount of time it takes for a young tree to reach a size where it has the equivalent ecological function of the trees to be lost.

These principles do not apply to works within a designated site (e.g. SSSI sites) or with irreplaceable habitat. If you wish to carry out works in such areas please contact us as soon as possible.

NGET does not prescribe where trees should be obtained from however the Developer must demonstrate that the provision is for:

- Planting of native species only;
- Where possible, planting is to occur locally;
- Where local planting schemes are not available, planting should (other than in exceptional circumstances) be regional.

Land condition

Much of our land is brownfield land. It is important that developers are aware that previous use of the land may have had an impact on land quality, particularly if a previous use was industrial. As a responsible landowner, and to ensure the safety of all site users, we may restrict activities permitted under the easement on a site-specific basis, for example limits on excavations.

We will provide available information about land quality and contamination that could affect the area that the developer is seeking to use during Step 2 and Step 4 of the Use of National Grid Land Process (Technical Assessment).

Stakeholder, community and amenity

We will meet and uphold the commitments set out in the Stakeholder, Community and Amenity Policy (see link at Appendix 3) to meet our amenity responsibilities and involve our stakeholders and communities in our work.

Our customers and other developers are expected to meet these standards when undertaking works on our land. If upholding these standards cannot be demonstrated, we will not progress with land negotiations or will request that the developer redesigns their proposal.



Section 8

Planning

Planning

If the developer requires planning permission for their proposed development on our land, the planning application must be reviewed by us prior to submission. In particular, the planning application boundary area should be minimised to avoid unnecessary areas of our land forming part of the application. It should also reflect the land agreement in place, or the Heads of Terms being discussed with us. Where this is not adhered to, we may object to the planning application. Any draft conditions proposed by the Local Planning Authority relating to our land must be discussed and agreed in writing with us. We reserve the right to stop progression of a land enquiry if the developer enters into conditions or commitments relating to our land without prior written agreement.

If the proposed development is a Development Consent Order (DCO) or a Compulsory Purchase Order (CPO) the developer should contact our Development Liaison team to further discuss the development proposals. All correspondence and consultations should be sent to the below contact email address:

box.landandacquisitions@nationalgrid.com

Where a DCO Promoter intends to acquire land, extinguish rights, or interfere with or work within close proximity to any of NGET's apparatus and land, this will require appropriate protection and further discussion on the impact to NGET's apparatus and rights.

NGET will require an adequate form of Protective Provisions to be included within the Order.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate Protective Provisions are included within the DCO application. This is to safeguard the integrity of NGET's apparatus and to remove the requirement for an objection.

Permitted development rights

The below provides guidance on the use of permitted development rights across our owned and controlled land under Part 15 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

- a. We have the benefit of using permitted development rights, which apply differently on our operational land and non-operational land. These rights have been bestowed specifically on us as a statutory undertaker and can not be used by other developers.
- b. Developers may be able to use their own permitted development rights by
 - i. holding a Licence (generation or transmission) under the Electricity Act as a statutory undertaker; or
 - ii. holding a Licence under the Gas Act 1986 to operate as a 'gas transporter'; and
 - iii. controlling the land (through acquisition or lease)

- c. If permitted development rights are not held or cannot be used owing to the type and location of the works, then planning permission must be obtained.
- d. Where the developer is seeking to class some or all of their works on our owned or controlled land as “permitted development”, our National Consents team should be consulted via Electricity Transmission Property as soon as possible to confirm the position.
- e. Where there is disagreement between NGET and the developer on the use of permitted development rights on our owned or controlled land, the developer must obtain a Lawful Development Certificate from the relevant Planning Authority confirming works are permitted development.



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