

DATE: 12 JANUARY 2023

**THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (SCOTLAND TO ENGLAND
GREEN LINK 1) COMPULSORY PURCHASE ORDER 2023**

PUBLIC OPEN SPACE STATEMENT

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

ELECTRICITY ACT 1989

ACQUISITION OF LAND ACT 1981

CMS Cameron McKenna LLP
Cannon Place
78 Cannon Street
London
EC4N 6AF
T +44 20 7367 3000
F +44 20 7367 2000
cms.law

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1. INTRODUCTION

- 1.1 National Grid Electricity Transmission plc (company number 02366977 of 1 - 3 Strand, London, WC2N 5EH) (**NGET**) is the holder of an electricity transmission licence (the **Transmission Licence**), granted pursuant to section 6(1)(b) of the Electricity Act 1989 (the **1989 Act**).
- 1.2 NGET is promoting and developing proposals for a subsea High Voltage Direct Current Link (**HVDC**) alongside Scottish Power Transmission (**SPT**). This will provide an HVDC link between Torness in East Lothian and Hawthorn Pit in County Durham (**Project**). The Project has been proposed in partnership with SPT, which is the transmission owner for southern Scotland and responsible for the onshore and offshore aspects of the Project in Scotland.
- 1.3 NGET has made The National Grid Electricity Transmission plc (Scotland to England Green Link 1) Compulsory Purchase Order 2023 (the **Order**) under the provisions of the 1989 Act. The Order has been made in order to acquire the compulsory acquisition of land and rights necessary to deliver the English Onshore Scheme components of the Project. A Statement of Reasons accompanies the Order. The Statement of Reasons sets out the extent of the English Onshore Scheme and NGET's justification for seeking compulsory purchase powers within the Order. The Statement of Reasons also demonstrates that the public benefits of the Project outweigh the private rights affected and that there is a compelling case in the public interest for the exercise of the powers of compulsory acquisition included within the Order.
- 1.4 This public open space statement has been prepared to support a request to the Secretary of State to grant a certificate pursuant to:
- 1.4.1 Section 19(1) of the Acquisition of Land Act 1981 (the **1981 Act**) in respect of the compulsory acquisition of land comprising open space; and
- 1.4.2 Paragraph 6 of Schedule 3 to the 1981 Act in respect of the compulsory acquisition of rights over land comprising open space.

2. THE PROJECT INFRASTRUCTURE

Substation

- 2.1 The English Onshore Scheme includes the construction of a new 400 kV Substation is required in proximity to the existing substation at Hawthorn Pit to allow connection into the electricity transmission system. The Substation site is located approximately 50m south-east of the existing substation at Hawthorn Pit. The footprint of the substation is approximately 1.5ha and is located on an area of informal open access land.
- 2.2 As the Substation comprises integral above ground infrastructure, freehold acquisition is sought.

Replacement Public Open Space

- 2.3 Replacement public open space will be provided in respect of the informal public open space on which the Substation will be constructed.

3. THE PLANNING POSITION FOR THE ENGLISH ONSHORE SCHEME

Substation

3.1 NGET has submitted the planning application (ref: DM/22/01663/OUT) (the **Planning Application**) to Durham County Council. The planning application includes an outline planning application for the erection of a new 400 kilovolt electricity substation. The local planning authority resolved to grant planning permission pursuant to the Planning Application at a planning committee on 1 November 2022, subject to the completion of an agreement pursuant to section 39 of The Wildlife and Countryside Act 1981. NGET is not aware of any reason why the section 39 agreement will not be completed and planning permission will not be granted pursuant to the Planning Application.

3.2 The Substation will be consented pursuant to the planning permission to be granted pursuant to the Planning Application.

Replacement Public Open Space

3.3 No operational development is required in respect of the Replacement Public Open Space, and the use of the land as open space does not require a change of use. Therefore, no planning permission is required in respect of the Replacement Public Open Space.

4. PUBLIC OPEN SPACE: THE ACQUISITION OF LAND

Summary

4.1 Plot 6-25 (the **Informal Open Space**) is subject to freehold acquisition for the purposes of the Substation. The Informal Open Space is approximately 15,518 metres squared. This land is described in Appendix 1 to this statement.

4.2 Although the Informal Open Space land has no formal designation, it is currently in use as informal public open space and is accessible by the general public. Therefore, the provisions of section 19 of the 1981 Act are engaged. This is because of the definition of open space as meaning: “*any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground*”. The Informal Open Space is not laid out as a garden.

4.3 As the Order will authorise the purchase of land forming part of open space (the Informal Open Space) it will be subject to special parliamentary procedure (**SPP**) unless the Secretary of State is satisfied (and certifies accordingly) that¹:

4.3.1 there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased (**Test 1**);

4.3.2 the land is being purchased in order to secure its preservation or improve its management (**Test 2**);

¹ Section 19(1) of the 1981 Act

- 4.3.3 that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public (**Test 3**).
- 4.4 In respect of the Informal Open Space, Test 2 and Test 3 are not relevant because the Informal Open Space is not being purchased in order to secure its preservation or to improve its management and the Informal Open Space exceeds 250 square yards and is not required for the widening or drainage of an existing highway (in total or in part).
- 4.5 In order to mitigate for the loss of the Informal Open Space, an area of replacement public open space (approximately 15,987 squared metres) (Plots 6-49 and 6-50) will be provided to the west and north of the existing Hawthorn Pit substation. This land is described in Appendix 2 to this statement.
- 4.6 In respect of the Informal Open Space and the Replacement Public Open Space, Test 1 is satisfied because the Replacement Public Open Space is:
- 4.6.1 not less in area than the Informal Open Space;
- 4.6.2 equally advantageous to the public who currently use the Informal Open Space. There are no persons entitled to rights of common or other rights over the Informal Open Space; and
- 4.6.3 going to be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased.

The Status of the Informal Open Space

- 4.7 The Informal Open Space has no formal designation: it is not held by the current landowner as public open space; and it is not subject to any planning designations. However, the Informal Open Space has been used for the purposes of public recreation.
- 4.8 The Informal Open Space is not laid out with any formal accesses and is not landscaped or managed by the current landowner. It is of no particular quality and does not provide any particular benefit to the public save for general access for walking.
- 4.9 The Informal Open Space forms part of a wider and much larger parcel of informal public open space (the **Wider Open Space**). Therefore, the acquisition of the Informal Open Space will not deprive the general public from access over the Wider Open Space. This is supported by section 5, where the quantity of Additional Informal Open Space which is subject to rights and not acquisition is circa 200,000 squared metres.
- 4.10 The environmental assessment report submitted with the Planning Application identifies the sensitivity of the Informal Open Space as low and, without taking account of the mitigation of replacement public open space, identifies the impact of the loss of this Informal Open Space as a minor adverse effect which is not significant.

- 4.11 The environmental assessment report does not assess the operational impacts of the loss of the informal public open space and the provision of the replacement public open space, as these were scoped out of assessment.
- 4.12 The planning committee report dated 1 November 2022 (the **Committee Report**) does not attached particular weight to the Informal Open Space and identifies the Informal Open Space as an area of scrub and grassland.

The Replacement Public Open Space

- 4.13 The Replacement Public Open Space comprises an area of land to the west and north of the existing Hawthorn Pit substation. The land is currently in agricultural use, and is adjacent to land in the ownership of NGET.
- 4.14 The Replacement Open Space is not less in area than the Informal Open Space. It comprises 15,987 squared metres, and so includes 469 additional squared metres of informal public open space above that provided by the Informal Open Space.
- 4.15 The Replacement Open Space is equally advantageous to the public who currently use the Informal Open Space. The Replacement Public Open Space:
- 4.15.1 is located in the vicinity of the Informal Open Space, and so will be accessible by the public who currently use the Informal Open Space;
 - 4.15.2 is an appropriate area for access by the residents of the settlements of South Hetton, Easington Lane and Murton, and the re-located location does not make it less accessible to any of those settlements;
 - 4.15.3 provides additional connectivity benefits by linking the Wider Open Space to the south and west of the existing Hawthorn Pit substation to an existing area of publicly accessible land to the east of the existing Hawthorn Pit substation; and
 - 4.15.4 will be similarly laid out to the Informal Open Space, with the space laid out in an informal manner to allow informal access by the general public.
- 4.16 In this context it is important to note that the majority of the land surrounding the Informal Open Space is already informal open space which the public has access to and which will be improved through landscape planting and habitat creation. More widely, there would be constraints over provision of replacement public open space:
- 4.16.1 further to the north of the Informal Open Space, as there is a plan for solar development and this would take the re-provision further away from the Informal Open Space;
 - 4.16.2 to the east of the Informal Open Space, as this is the location of the Jade Business Park which is planned for expansion;
 - 4.16.3 to the south, as this is the location of the Heselden Moor West SSSI; or
 - 4.16.4 to the west, as this is informal public open space until the settlement of South Hetton.

- 4.17 Once the CPO is confirmed, the Replacement Open Space is going to be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased.
- 4.18 Therefore, the Replacement Public Open Space satisfies Test 1. NGET requests that the Secretary of State issues a certificate pursuant to section 19(1) of the 1981 Act.

5. PUBLIC OPEN SPACE: THE ACQUISITION OF RIGHTS

Summary

- 5.1 The provisions of the 1981 Act apply to the acquisition of a right over land as well². There are a number of parcels of land included in the Order which fall within the definition of open space pursuant to Schedule 3 to the 1981 Act and over which rights are sought pursuant to the Order.
- 5.2 In respect of land over which rights are sought to be acquired, there is a separate test which has to be considered. This is that the Secretary of State may issue a certificate if satisfied that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before (the **Rights Test**).

The Beach

- 5.3 Plots 1-01, 1-02 and 1-03 comprise the beach (the **Beach**) and this area totals 34,478 squared metres. The Beach is in different ownership and this land is described in Appendix 3 to this statement.
- 5.4 There is recent precedent for interconnector projects to treat areas of beach as open space and secure certificates from the Secretary of State before confirmation of the CPO³. These projects also set a precedent in the grant of such certificates pursuant to the Rights Test for similar projects.
- 5.5 The Beach will be subject to the Electricity Infrastructure Construction Rights and the Landfall Rights. The use of the Beach, when burdened with these rights, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before. This is because, following construction of the Project, the HVDC Cables will be situated below ground and public access will remain available over the entire area of the Beach.
- 5.6 NGET requests that the Secretary of State certify under paragraph 6(1)(a) of Schedule 3 to the 1981 Act that the Beach, when burdened with the Electricity Infrastructure Construction Rights and the Landfall Rights, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.

² by virtue of Paragraph 6 of Schedule 3 to the 1981 Act

³ For example, The National Grid North Sea Link Limited (East Sleekburn) Compulsory Purchase Order 2016 and The FAB Link Limited (Budleigh Salterton to Broadclyst) Compulsory Purchase Order 2016

The Additional Informal Open Space

- 5.7 Plots 6-11, 6-12, 6-13, 6-17, 6-19, 6-20, 6-21, 6-22, 6-23, 6-24, 6-26, 6-27, 6-28, 6-29, 6-30, 6-31, 6-32, 6-33, 6-35, 6-36, 6-37, 6-38, 6-39, 6-40, 6-41, 6-42 and 7-21 comprise additional informal public open space (the **Additional Informal Open Space**). This area totals 199,251 squared metres. These parcels of land are described in Appendix 3 to this statement.
- 5.8 The Additional Informal Open Space will be subject to various rights to enable the construction of the HVAC Cables and the HVDC Cables and to provide for landscaping and biodiversity net gain proposals for the Project. The rights to be acquired over each parcel of land are set out in Appendix 3 to this statement and described in more detail in Appendix 4 to this statement.
- 5.9 The use of the Additional Informal Open Space, when burdened with the rights pursuant to the Order, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before. This is because, following construction of the Project, the permanent infrastructure will be situated below ground and public access will remain available over the entire area of the Additional Informal Open Space. Any disturbance caused by the exercise of the rights will be temporary.
- 5.10 The use of the Additional Informal Open Space, when burdened with the rights pursuant to the Order, will be more advantageous to the general public as the Additional Informal Open Space will be landscaped and managed in accordance with the planning permission. The delivery of these benefits is also required to be secured through an agreement pursuant to section 39 of The Wildlife and Countryside Act 1981.
- 5.11 NGET requests that the Secretary of State certify under paragraph 6(1)(a) of Schedule 3 that the Additional Informal Open Space, when burdened with the relevant rights for each parcel of land, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.

6. CONCLUSION

- 6.1 The Replacement Public Open Space satisfies Test 1. NGET requests that the Secretary of State issues a certificate pursuant to section 19(1) of the 1981 Act accordingly.
- 6.2 The Beach and the Additional Informal Open Space satisfy the Rights Test. These parcels of land when burdened with the rights pursuant to the Order, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before. NGET requests that the Secretary of State certify under paragraph 6(1)(a) of Schedule 3 to the 1981 Act accordingly.

APPENDIX 1
THE INFORMAL OPEN SPACE

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or Reputed Owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
6-25	Freehold Acquisition in respect of approximately 15518 metres squared of public open space and pathway (south of Hawthorn Pit Grid Substation)	Durham County Council County Hall Durham Durham DH1 5UL United Kingdom Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

APPENDIX 2
THE REPLACEMENT PUBLIC OPEN SPACE

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or Reputed Owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
6-49	Freehold Acquisition in respect of approximately 12356 metres squared of field and agricultural land (north west of Hawthorn Pit Grid Substation)	Colin Stephen Ford Longfield House Farm Marley Hill Gateshead Tyne and Wear NE16 5DZ United Kingdom Unknown <i>(in respect of mines and minerals)</i>	None	None	Colin Stephen Ford
6-50	Freehold Acquisition in respect of approximately 3631 metres squared of field and agricultural land (north of Hawthorn Pit Grid Substation)	Colin Stephen Ford	None	None	Colin Stephen Ford

APPENDIX 3

THE BEACH AND THE ADDITIONAL INFORMAL OPEN SPACE

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or Reputed Owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1-01	Electricity Infrastructure Construction Rights and Landfall Rights in respect of approximately 8540 metres squared of sand beach (east of B1287)	Durham County Council County Hall Durham Durham DH1 5UL United Kingdom <i>(in respect of mines and minerals)</i>	None	None	Durham County Council County Hall Durham Durham DH1 5UL United Kingdom
1-02	Electricity Infrastructure Construction Rights and Landfall Rights in respect of approximately 18826 metres squared of sand beach (east of B1287)	Durham County Council The Coal Authority <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
1-03	Electricity Infrastructure Construction Rights and Landfall Rights in respect of approximately 7112 metres squared of pebble beach (east of B1287)	Unknown	None	None	Unknown

6-11	Electricity Infrastructure Construction Rights, HVDC Rights and Landscaping Rights in respect of approximately 25693 metres squared of public open space, access track, woodland, hedgerow, shrub, overhead line and public bridleway (Murton BW29), (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-12	Landscaping Rights in respect of approximately 14958 metres squared of public open space, access track, woodland, hedgerow, shrub, pylon and overhead line and public bridleway (Murton BW29), (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-13	Landscaping Rights in respect of approximately 49972 metres squared of public open space, access track, woodland, hedgerow, shrub, pylon and overhead line (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

6-17	Overhead Line Removal Rights and Landscaping Rights in respect of approximately 12717 metres squared of public open space, woodland, access track, shrub, pylon and overhead line (east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-19	Construction Compound Rights and Landscaping Rights in respect of approximately 1014 metres squared of public open space, access track, woodland, hedgerow and shrub (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-20	Landscaping Rights in respect of approximately 504 metres squared of public open space, woodland and shrub (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-21	Electricity Infrastructure Construction Rights, HVAC Rights and Landscaping Rights in respect of approximately 4070 metres squared of public open space, pathway, woodland and shrub (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

6-22	Construction Compound Rights and Landscaping Rights in respect of approximately 1000 metres squared of public open space, access track, woodland, hedgerow and shrub (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-23	Construction Compound Rights, Landscaping Rights and Permanent Access Rights in respect of approximately 485 metres squared of public open space and access track (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-24	Electricity Infrastructure Construction Rights, HVAC Rights, Landscaping Rights and Permanent Access Rights in respect of approximately 540 metres squared of public open space (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

6-26	Electricity Infrastructure Construction Rights, HVAC Rights, Landscaping Rights and Permanent Access Rights in respect of approximately 1031 metres squared of public open space and access track (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-27	Construction Compound Rights, Landscaping Rights and Overhead Line Rights in respect of approximately 538 metres squared of public open space (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-28	Electricity Infrastructure Construction Rights, HVAC Rights and Landscaping Rights in respect of approximately 541 metres squared of public open space (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-29	Permanent Access Rights in respect of approximately 389 metres squared of public open space, access track, hedgerow, shrub and overhead line (south east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

6-30	Construction Compound Rights and Landscaping Rights in respect of approximately 447 metres squared of public open space (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-31	Overhead Line Removal Rights and Landscaping Rights in respect of approximately 135 metres squared of public open space, electricity substation and overhead line (south east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	On Tower UK 2 Limited R+ 2 Blagrove Street 4th Floor Reading RG1 1AZ United Kingdom	None	Cornerstone Telecoms Infrastructure Limited Hive 2 1530 Arlington Business Park Theale Reading Berkshire RG7 4SA United Kingdom Mobile Broadband Network Limited Thames Tower Station Road Reading Berkshire RG1 1LX United Kingdom
6-32	Overhead Line Removal Rights, Landscaping Rights and Temporary Access Rights in respect of approximately 112 metres squared of public open space, access track and overhead line (south east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	On Tower UK 2 Limited	None	Cornerstone Telecoms Infrastructure Limited Mobile Broadband Network Limited

6-33	Temporary Access Rights and Overhead Line Removal Rights in respect of approximately 1318 metres squared of public open space and access track (south of Hawthorn Pit Grid substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-35	Landscaping Rights in respect of approximately 8988 metres squared of public open space, access track, woodland, hedgerow and shrub (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-36	Construction Compound Rights and Landscaping Rights in respect of approximately 17272 metres squared of public open space, access track, outbuildings, woodland and shrub (south east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-37	Overhead Line Removal Rights, Landscaping Rights and Temporary Access Rights in respect of approximately 15 metres squared of public open space (south of Hawthorne Pit Grid substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

6-38	Overhead Line Removal Rights and Landscaping Rights in respect of approximately 1316 metres squared of public open space, access track, woodland and shrub (south east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-39	Overhead Line Removal Rights in respect of approximately 1634 metres squared of public open space, access track, woodland and shrub (south east of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-40	Overhead Line Rights and Landscaping Rights in respect of approximately 20578 metres squared of public open space, access track, woodland, hedgerow, shrub, pond, public footpath (Murton FP25) and public bridleway (Murton BW29), (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

6-41	Electricity Infrastructure Construction Rights, HVAC Rights and Landscaping Rights in respect of approximately 13826 metres squared of public open space, access track, woodland, shrub, pylon, overhead line and public bridleway (Murton BW29), (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
6-42	Electricity Infrastructure Construction Rights, HVDC Rights, HVAC Rights and Landscaping Rights in respect of approximately 3367 metres squared of public open space, access track, woodland, shrub, pylon, overhead line and public bridleway (Murton BW29), (south of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council
7-21	Landscaping Rights in respect of approximately 16822 metres squared of public open space, access track and woodland (south west of Hawthorn Pit Grid Substation)	Durham County Council Unknown <i>(in respect of mines and minerals)</i>	None	None	Durham County Council

APPENDIX 4
CLASSES OF RIGHTS

“**electricity infrastructure**” means the underground cables (including wires, earth wires, fibre optic cables and other communication cables, pipes, coatings and ducts), connections, cable draw pits, cable joints, cable marker posts, cable terminals, earth bonding and tape, drains, culverts, fibre optic pits, inspection boxes, trenches, marking bands, protective boards or tiles, jointing pits, link boxes, manholes, monitoring equipment, apparatus, conductors, supports, plant, equipment, pillars, warning tape, sheaths and other underground or overground equipment and apparatus associated with or ancillary to such underground cables

“**electric lines**” means the electric lines and conductors (including wires, earth wires, fibre optic cables and other communication cables, pipes, coatings and ducts and connections) for transmitting and/or distributing electricity at such voltage as NGET or other licenced operators may from time to time require for the purposes of its or their operations together with the tower(s) (if any) for supporting the same and any ancillary equipment and apparatus associated with or ancillary to such electric lines and conductors

Rights	Description of Rights
Access Rights	<p>All rights necessary to access the Order Land and adjoining land including to:</p> <ul style="list-style-type: none"> a) access the Order Land and adjoining land for the purposes of constructing, installing, commissioning, inspecting, surveying, maintaining, repairing, altering, renewing, replacing and removing or decommissioning the electricity infrastructure, and carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; b) to carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; c) to access the Order Land and adjoining land use horizontal directional drilling, where appropriate, for the installation of the cables; d) to fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Access Rights; e) to prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of the Access Rights; f) to make good any damage caused in connection with the exercise of these Access Rights; and g) to carry out any activities ancillary or incidental thereto.

<p>Electricity Infrastructure Construction Rights</p>	<p>All rights necessary for the purposes of or incidental to the construction and commissioning of the electricity infrastructure, including to:</p> <ul style="list-style-type: none"> a) construct and install the electricity infrastructure in, on, under or over the land, including using trenchless techniques such as horizontal directional drilling; b) test and commission the electricity infrastructure installed in, on, under or over the land and to remedy initial faults and defects in it at any time prior to the date on which it is energised and ready for commercial operation; c) energise and commercially operate the electricity infrastructure for a period of no more than four months following initial commercial operation; d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); e) carry out archaeological works and environmental and/or ecological mitigation; f) carry out works required or permitted by a planning permission and/or consent or licences; g) erect and remove fencing; h) store and stockpile and where necessary use, manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment; i) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; j) construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; k) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems; l) discharge water into existing drains and watercourses; m) protect and prevent damage to or interference with the electricity infrastructure and the construction of the same; n) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Electricity Infrastructure Construction Rights; o) prevent and remove any works on or use of the land that may interfere with or obstruct the exercise of the Electricity Infrastructure Construction Rights; p) erect, create, use and remove welfare facilities including portable toilets, portable cabins and offices and electricity generators; q) install, use and remove artificial lighting;
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	<ul style="list-style-type: none"> r) install, use, alter, divert and remove services and utilities; s) make good any damage caused in connection with the exercise of these Electricity Infrastructure Construction Rights; and t) carry out any activities ancillary or incidental thereto.
Construction Compound Rights	<p>All rights necessary for the purposes of or incidental to the establishment, use and removal of works compounds associated with the construction and commissioning of the electricity infrastructure and/or the construction, commissioning and decommissioning of the electric lines, including to:</p> <ul style="list-style-type: none"> a) erect, create, use and remove a works compound which may include portable cabins and offices, and welfare facilities including portable toilets and electricity generators; b) store, stockpile and where necessary use, manage and process plant, machinery, apparatus, materials (including excavated material) and/or equipment; c) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; d) fence, erect hoardings or signage or otherwise secure the compound; e) carry out de-watering and drainage works and install, alter or reinstate land, drainage systems; f) discharge water into existing drains and watercourses; g) install, use and remove artificial lighting; h) park cars; i) protect and prevent damage to or interference with the operation and maintenance of any works constructed pursuant to these Construction Compound Rights; j) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Construction Compound Rights k) prevent and remove any works or use of the land which may interfere with or obstruct the exercise of these Construction Compound Rights; l) install, use, alter, divert and remove services and utilities; m) make good any damage caused in connection with the exercise of these Construction Compound Rights; and n) carry out any activities ancillary or incidental thereto.
Drainage Rights	<p>All rights necessary for the purposes of or incidental to the carrying out of de-watering and drainage works and to install, alter, use, maintain, reinstate or remove drainage systems, including to:</p>

	<ul style="list-style-type: none"> a) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; b) protect and prevent damage to or interference with the operation and maintenance of any de-watering and/or drainage works; c) prevent and remove any works or use of the land which may interfere with or obstruct the exercise of these Drainage Rights; d) make good any damage caused in connection with the exercise of these Drainage Rights; and e) carry out any activities ancillary or incidental thereto.
<p>HVAC Rights</p>	<p>All rights necessary for the purposes of or incidental to the retention, commissioning, operation, protection, maintenance, surveying, repair, renewal, replacement, removal and decommissioning of the electricity infrastructure, including to:</p> <ul style="list-style-type: none"> a) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; b) use horizontal directional drilling, where appropriate, for the installation of the electricity infrastructure; c) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems; d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); e) protect and prevent damage to or interference with the operation and maintenance of the electricity infrastructure; f) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the electricity infrastructure; g) prevent and remove any works on or use of the land that would prevent access to or the operation and maintenance of the electricity infrastructure; h) prevent changes to the use, or level of the surface of, the land; i) make good any damage caused in connection with the exercise of these HVAC Rights; and j) carry out any activities ancillary or incidental thereto. <p>The HVAC Rights may be acquired over such part of the Order Land plots described in Table 1 of Schedule 1 to the Order as may be necessary PROVIDED THAT the 'rights corridor' within which the HVAC Rights shall be acquired shall not exceed:</p> <ul style="list-style-type: none"> k) 50 metres in width where trenchless installation techniques, such as horizontal directional drilling, are used; l) 25 metres in width in all other cases;

	<p>AND PROVIDED FURTHER THAT the width restrictions above shall not apply to the acquisition of the access rights described at paragraph a) above, which rights may be acquired over such part of the Order Land plots described in Table 1 of Schedule 1 to the Order as may be necessary.</p>
<p>HVDC Rights</p>	<p>All rights necessary for the purposes of or incidental to the retention, commissioning, operation, protection, maintenance, surveying, repair, renewal, replacement, removal and decommissioning of the electricity infrastructure, including to:</p> <ul style="list-style-type: none"> a) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; b) use horizontal directional drilling, where appropriate, for the installation of the electricity infrastructure; c) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems; d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); e) protect and prevent damage to or interference with the operation and maintenance of the electricity infrastructure; f) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the electricity infrastructure; g) prevent and remove any works on or use of the land that would prevent access to or the operation and maintenance of the electricity infrastructure; h) prevent changes to the use, or level of the surface of, the land; i) make good any damage caused in connection with the exercise of these HVDC Rights; and j) carry out any activities ancillary or incidental thereto. <p>The HVDC Rights may be acquired over such part of the Order Land plots described in Table 1 of Schedule 1 to the Order as may be necessary PROVIDED THAT the width of the 'rights corridor' within which the HVDC Rights may be acquired shall not exceed:</p> <ul style="list-style-type: none"> k) 30 metres in width where trenchless installation techniques, such as horizontal directional drilling, are used; l) 20 metres in width in all other cases;

	AND PROVIDED FURTHER THAT the width restriction above shall not apply to the acquisition of the access rights described at paragraph a) above, which rights may be acquired over such part of the Order Land plots described in Table 1 of Schedule 1 to the Order as may be necessary.
Landfall Rights	<p>All rights necessary for the purposes of or incidental to the retention, commissioning, operation, protection, maintenance, surveying, repair, renewal, replacement, removal and decommissioning of the electricity infrastructure, including to:</p> <ul style="list-style-type: none"> a) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; b) use horizontal directional drilling, where appropriate, for the installation of the electricity infrastructure; c) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems; d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); e) protect and prevent damage to or interference with the operation and maintenance of the electricity infrastructure; f) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the electricity infrastructure; g) prevent and remove any works on or use of the land that would prevent access to or the operation and maintenance of the electricity infrastructure; h) prevent changes to the use, or level of the surface of, the land; i) to make good any damage caused in connection with the exercise of these Landfall Rights; and j) to carry out any activities ancillary or incidental thereto.
Landscaping Rights	<p>All rights necessary for the purposes of or incidental to the installation, inspection, retention, operation, protection, maintenance, repair, renewal, replanting and replacement of landscaping, ecological and/or environmental measures, including to:</p> <ul style="list-style-type: none"> a) use as a construction and maintenance compound, working area, lay down and parking areas for all plant, equipment, materials and vehicles required in connection with the exercise of these Landscaping Rights; b) access the land and adjoining land with or without vehicles, personnel, plant, machinery, apparatus, equipment and materials for such purposes; c) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with these Landscaping Rights; d) prevent and remove any works or use of the land which may interfere with or obstruct or interfere with the exercise of these Landscaping Rights;

	<ul style="list-style-type: none"> e) make good any damage caused in connection with the exercise of these Landscaping Rights; and f) carry out any activities ancillary or incidental thereto.
Overhead Line Rights	<p>All rights necessary for the purposes of or incidental to the construction, retention, commissioning, operation, protection, maintenance, surveying, repair, renewal, replacement, removal and decommissioning of the electric lines, including to:</p> <ul style="list-style-type: none"> a) take all necessary rights of support for the electric lines; b) install and remove protection measures for third party structures/assets, including scaffolding; c) test and commission the electric lines and to remedy initial faults and defects in them at any time prior to the date on which it is energised and ready for operation; d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); e) carry out archaeological works, environmental and/or ecological mitigation; f) carry out works required or permitted by a planning permission and/or consent or licences; g) erect and remove fencing; h) store and stockpile and where necessary use, manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment; i) access the land and adjoining land with or without vehicles, personnel, plant, machinery, apparatus, equipment and materials for such purposes; j) construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains; k) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems; l) discharge water into existing drains and watercourses; m) protect and prevent damage to or interference with the operation and maintenance of the electric lines and construction of the same; n) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with these Overhead Line Rights; o) prevent and remove any works on or use of the land that would prevent access to or the operation and maintenance of the electric lines; p) erect, create, use and remove welfare facilities including portable toilets, portable cabins and offices and electricity generators; q) install, use and remove artificial lighting;

	<ul style="list-style-type: none"> r) install, use, alter, divert and remove services and utilities; s) prevent changes to the use, or level of the surface of, the land; t) make good any damage caused in connection with the exercise of these Overhead Line Rights; and u) carry out any activities ancillary or incidental thereto.
Overhead Line Access Rights	<p>All rights necessary to access the land and adjoining land for the purposes of the construction, retention, commissioning, operation, protection, maintenance, surveying, repair, renewal, replacement, removal and decommissioning of the electric lines, and carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, including to:</p> <ul style="list-style-type: none"> a) carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; b) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with these Overhead Line Access Rights; c) prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Overhead Line Access Rights; d) make good any damage caused in connection with the exercise of these Overhead Line Access Rights; and e) carry out any activities ancillary or incidental thereto.
Overhead Line Removal Rights	<p>All rights necessary for the purposes of or incidental to the removal and decommissioning of the electric lines, including to:</p> <ul style="list-style-type: none"> a) install and remove protection measures for third party structures/assets, including scaffolding; b) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); c) carry out archaeological works, environmental and/or ecological mitigation; d) carry out works required or permitted by a planning permission and/or consent or licences; e) erect and remove fencing; f) store and stockpile and where necessary use, manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment; g) access the land and adjoining land with or without vehicles, personnel, plant, machinery, apparatus, equipment and materials for such purposes; h) construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains; i) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems;

	<ul style="list-style-type: none"> j) discharge water into existing drains and watercourses; k) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with these Overhead Line Removal Rights; l) prevent and remove any works on or use of the land that would prevent access to or the removal or decommissioning of the electric lines; m) erect, create, use and remove welfare facilities including portable toilets, portable cabins and offices and electricity generators; n) install, use and remove artificial lighting; o) install, use, alter, divert and remove services and utilities; p) prevent changes to the use, or level of the surface of, the land; q) reinstate the land; r) make good any damage caused in connection with the exercise of these Overhead Line Removal Rights; and s) carry out any activities ancillary or incidental thereto.
Overhead Line Removal Access Rights	<p>All rights necessary to access the land and adjoining land for the purposes of removing and decommissioning the electric lines, and carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, including to:</p> <ul style="list-style-type: none"> a) carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; b) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with these Overhead Line Removal Access Rights; c) prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of these Overhead Line Removal Access Rights; d) make good any damage caused in connection with the exercise of these Overhead Line Removal Access Rights; and e) carry out any activities ancillary or incidental thereto.
Temporary Access Rights	<p>All rights necessary to access the land and adjoining land for the purposes of constructing and commissioning the electricity infrastructure and/or the construction, commissioning and decommissioning of the electric lines and/or the establishment, use and removal of works compounds, and carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, including to:</p> <ul style="list-style-type: none"> a) access the land and adjoining land to use horizontal directional drilling, where appropriate, for the installation of the cables;

	<ul style="list-style-type: none">b) carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities;c) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Temporary Access Rights;d) prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of the Temporary Access Rights;e) make good any damage caused in connection with the exercise of these Temporary Access Rights; andf) carry out any activities ancillary or incidental thereto.
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