

Electricity Act 1989

**THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (GRAIN
TO TILBURY) COMPULSORY PURCHASE ORDER 2024**

**Statement of Evidence of
Kate McGregor
Senior Consents Manager
National Grid Electricity Transmission plc**

Specialist Field: Planning
On behalf of: National Grid Electricity Transmission Plc

13.05.2025

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Kate McGregor and I am a Senior Consents Manager at National Grid Electricity Transmission Plc ("**NGET**") and a full Member of the Institute for Environmental Management and Assessment ("**IEMA**"). I have a Masters Degree in Environmental Technology from Imperial College London and a first class Bachelors Degree with honours in Biology from the University of York specialising in environmental and ecological topics.
- 1.2 My position at NGET is within the Strategic Infrastructure department, where I am responsible for providing advice on planning and environmental matters; ensuring compliance with national and local planning policy; procuring consenting and environmental services; and managing the production of consenting deliverables. My responsibility for these aspects applies during both the development and delivery stages of infrastructure projects.
- 1.3 I have 20 years professional experience working within environment and planning which includes working for NGOs, utility companies, Highways England, local authorities, consultants and contractors on diverse projects including major infrastructure projects requiring Environmental Impact Assessment ("**EIA**"). This includes highways and pipelines, a large recreational park in Gravesend and a complex flood relief scheme in Chichester.
- 1.4 I joined NGET in September 2022 and since this time have been involved in a wide variety of electrical infrastructure projects. This includes progressing the consenting and environmental requirements for new substations, the replacement of existing equipment, and alterations to overhead lines and pylons.
- 1.5 I have been working on the Grain to Tilbury project for two and a half years, providing support during the optioneering process and throughout design stage in the lead up to the planning application submission in December 2023. After this time, I continued to work closely with the designers, statutory environmental bodies, Local

Planning Authority and interest parties to ensure the applications progressed swiftly towards determination. My support now relates to discharging planning conditions and onboarding the contractor as detailed design begins.

2. INTRODUCTION AND SCOPE OF EVIDENCE

2.1 My role on the Grain to Tilbury tunnel replacement project ("**the Project**") was to provide consents management for the new electrical infrastructure and ancillary works including overhead line ("**OHL**") alterations.

2.2 My statement of evidence addresses the consenting position for the Project including the primary consents that are now in place and the proposed approach for successfully obtaining secondary consents once the Project is in delivery. I also provide evidence on the planning strategy undertaken by NGET in relation to the Project, including EIA screening and permitted development. My statement of evidence explains that planning and other consenting matters do not present any impediment to the delivery of the Project in accordance with paragraph 17 of the Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase Process (**CD A1**)

2.3 A description of the Project is provided in the evidence of Lee Driscoll and is not repeated in my evidence.

2.4 References in my evidence to the core documents are made by the abbreviation, for example, "**CD XX**". The evidence of other witnesses is referred to by the name of the author. There is a glossary of key terms used by all the NGET witnesses at **CD F7 ("the Glossary")** and my evidence adopts the terms defined in the glossary.

2.5 My statement of evidence is structured as follows:-

Section 3 provides a summary of the overarching consents strategy and review of the planning position

Section 4 addresses the consultation undertaken

Section 5 addresses objections

Section 6 sets out my summary and conclusion

Section 7 provides my declaration

3. OVERARCHING CONSENTS STRATEGY

Planning Permission

3.1 Copies of relevant extracts from the planning applications, the decision notices and delegated reports are at **CD B1 to CD B4**.

3.2 NGET submitted the following two planning applications for the Project on 18th December 2023:

(a) Planning application ref 20231313 which was granted by Gravesham Borough Council on 4th March 2025 in respect of the key elements of the Project as follows:

"Proposed construction of a new cable tunnel beneath the River Thames between Gravesend and Tilbury to provide additional transmission capacity. Above-ground infrastructure in the form of a new Cable Sealing End compound and a new head house building along with associated electricity infrastructure, access, parking, boundary treatment and two overhead gantry structures for future overhead lines. Temporary compound for the duration of the project to provide parking, staff welfare facilities, delivery vehicle parking, and equipment and machinery storage, including boundary treatment and lighting."

(b) The delegated report, at Page 69, concluded that:

"The application site is considered to be a suitable location for the type of development proposed, in view of it being on Grey Belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across Gravesham; that there is an unmet need for the electricity infrastructure nationally in order to support renewable and low carbon energy demand for the future and site is considered to be in a sustainable location. It has also been found after an assessment of all other matters that the proposal is acceptable in respect of landscape character, biodiversity and ecology, neighbouring/public amenity, highway safety, public right of way, flooding and drainage, heritage, archaeology and design, character and appearance. The applicant has also demonstrated that alternative options have been considered. It is therefore concluded that subject to the imposition of conditions, the proposal would not conflict with local and national planning policy."

- 3.3 Planning permission ref. 23/01502/FUL which was granted by Thurrock Council ("**TC**") on 24th January 2025 in respect of the key elements of the Project as follows:

"Proposed construction a new cable tunnel beneath the River Thames between Tilbury and Gravesend to provide additional transmission capacity. Above-ground infrastructure in the form of a new Cable Sealing End compound and a new head house building along with associated electricity infrastructure, access, parking, boundary treatment and two overhead gantry structures for future overhead lines. Temporary compound for the duration of the project to provide parking, staff welfare facilities, delivery vehicle parking, and equipment and

machinery storage, including boundary treatment and lighting."

3.4 The delegated report, at paragraph 7.0, concluded that:

"The proposed development is considered as an essential electricity infrastructure upgrade. The resulting and visible development would be similar to the existing SEC present within proximity of the proposed location. The industrial setting of the area, along with the reasonable scale of the headhouse building, would be acceptable whereby the impacts upon the area and the parts of the site within the Green Belt, in terms of visual appearance, design, layout and landscaping impacts would be acceptable.

Highways impacts and vehicle movements associated with the construction and operational phase have been suitable addressed, where it is considered that impacts upon the surrounding strategic and local road networks would be acceptable based on the evidence submitted.

Ecology and biodiversity impacts have been addressed, and are covered by relevant planning conditions, where necessary. In addition, it has been necessary to consider the EIA impacts of the proposed development. All statutory consultees have provided comment where matters of concern have been addressed by the applicant. It is now considered that the revised and updated Environmental Statement submitted with this application satisfactorily addresses all relevant matters with regard to the EIA element of the proposal."

3.5 The red line for both applications is shown on the plan below and also a larger plan is at **Appendix 1.**



- 3.6 Since planning permission was received from both Local Planning Authorities, NGET has begun submitting applications to discharge pre commencement planning conditions. Current submission can be viewed under Ref 25/00488/CONDC for Thurrock Council and Ref 20250413 for Gravesham Borough Council.

Consideration of Environmental Impact Assessment

- 3.7 The Project was screened under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Of the screening opinions provided by Thurrock Council and Gravesham Borough Council, only Gravesham Borough Council determined the proposed development to be EIA. Thurrock Council determined the Project to be 'not EIA Development'.
- 3.8 Due to the opposing views of Thurrock Council and Gravesham Borough Council, NGET decided to treat the whole Project as EIA development and submitted an Environmental Statement to support both planning applications (extracts of which are at **CD B6**).
- 3.9 With regards to the proposed boring of the new tunnel, the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) sets out the procedure that must be followed before approval is granted for a range of plans and projects. The regulations require an EIA to be carried out in support of an application for consent for categories of project listed in Schedule A1 and Schedule A2 of the regulations.
- 3.10 NGET requested an EIA screening opinion (**CD 17**) to confirm if the Marine Management Organisation ("**MMO**") considered a statutory EIA was required. On 17 November 2023 (**CD B18**), the MMO requested NGET withdraw their EIA screening application, advising that the works were not considered to fall under either Schedule A1 or A2 of the Marine Works (Environmental Impact Assessment) Regulations 2007.

Marine Licence

- 3.11 A marine licence is not required as the new tunnel meets the terms of a Marine Licence exemption set out in Article 35 of the Marine Licensing (Exempted Activities) Order 2011. Article 35 provides that the exemption from the need for a marine licence in Article 4 applies to works wholly under the sea bed in connection with the

construction or operation of a bored tunnel. The exemption is subject to the following two conditions:

- (a) that notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on; and
- (b) that the activity must not significantly adversely affect any part of the environment of the UK marine area or the living resources that it supports.

3.12 The Environmental Statement submitted with the planning applications for the Project concludes there will be no likely significant environmental effects (**CD B6**) and NGET confirms that it will commit to giving notice of intention to carry on the activity to the licensing authority before activity commences, therefore both conditions referred to at paragraph 3.8 are met.

Application under Section 37 of the Electricity Act 1989

3.13 The new OHL part of the Project is explained in the evidence of Dave Rogerson. New OHLs are consented via Section 37 of the 1989 Act. NGET submitted a section 37 consent application (ref 12.04.09.05-1933U) for the OHLs part of the Project to the Department for Energy Security and Net Zero on 21st June 2024 (**copy at Appendix 2**).

3.14 This application seeks consent for new spans of OHL that will connect the new tunnel cables to the existing OHL on both sides of the river. At Tilbury, the new span of OHL will be on land owned by the Port of Tilbury London Limited. At Gravesend, the new span will be on land owned by both National Grid and adjacent landowner, the Royal Society for the Protection of Birds ("**RSPB**"). Both Local planning authorities were consulted with prior to submission of the application and neither Local Planning Authority objected to the proposal.

3.15 The Section 37 consent application is to be determined by Department for Energy Security and Net Zero. Insofar as the OHL

works are to be undertaken on land which is not yet in NGET's control, it is envisaged that the Secretary of State will be in a position to co-ordinate the Section 37 and Order decisions.

4. Additional Consents and Licences

4.1 A number of additional consents/licences will likely be required to facilitate the delivery of the Project. These include the following:

- (a) River Works Licence - An application was made to the Port of London Authority ("**PLA**") on 3rd July 2024 in accordance with Port of London Act 1968 (as amended). The licence is for 'new works' and will provide consent for the elements of the Project that are located below mean high water mark i.e. the majority of the bored tunnel. NGET is in the process of making a minor amendment to this application to account for a minor realignment of the tunnel.
- (b) Public Rights of Way temporary closure and diversions - At Tilbury, there would be no temporary or permanent changes required to any public rights of way. At Gravesend, the Thames & Medway Canal Road hosts the National Cycle Network (NCN) Route 1, managed by Sustrans (custodian of the NCN in the UK) and a Public Right of Way (NS317). For health and safety reasons, both need to be diverted during appropriate phases of construction. To carry out this closure and diversion, NGET submitted an application for a Temporary Traffic Regulation Order to Kent County Council on 24th April 2025.
- (c) Abstraction licence, flood risk activity permit, discharge consent, SSSI assent (depending on designation status by Natural England); materials management plan, groundwater activity permit; dewatering permit (depending on shaft construction method); land drainage consent; and flood defence consent.

- 4.2 The above requirements are typical for this type of development and NGET and their contractors are familiar with the necessary scope of works to fulfil these. NGET is not aware of any reason why the other consents and licences will not be granted when NGET and/or its contractor makes the applications at the appropriate time.
- 4.3 Should additional consents/licences be identified as being required as the Project's detailed design develops, NGET and their contractors are confident that these will also be satisfactorily agreed with the relevant authorities.

5. CONSULTATION

- 5.1 As set out in the evidence of Lee Driscoll, in 2022, NGET had identified three options for the Project and it sought feedback from key stakeholders on these options, including the Port of Tilbury London Limited, PLA, RSPB and the Environmental Agency.
- 5.2 NGET held a four-week public consultation which included in person and online events that ran from the 27 September 2023 to the 29 October 2023. The purpose of the consultation was to inform members of the public, the local community, and other interested stakeholders on the details of the proposed Project and allows an opportunity for people to provide feedback relating to the Project so that useful insights can be integrated into the evolving design in advance of planning submission.
- 5.3 Residents within the immediate vicinity of the Project received a newsletter with more information on the public consultation. Further, public information events took place at Tilbury (Tilbury Community Association) on 13th October 2023 and in Gravesend (Clarendon Royal Community) on 11th October 2023. These events served primarily to provide information on the Project to members of the public in the local community. The feedback provided during the public information event has been documented and considered by the Project team and is detailed in the Statement of Community

Involvement (**CD B5**) submitted as part of the planning applications.

- 5.4 The public consultation was also hosted on a Project website where residents and members of the public could register to attend to get more information. This allowed those that could not attend the events in person to receive information relevant to the proposed Project.
- 5.5 Two webinars were held, one which focussed on the proposed Project in Tilbury north of the River Thames, and one focussed on Gravesend south of the River Thames. The Gravesend webinar was held on Wednesday 18th October 2023 and the Tilbury webinar was held on Thursday 19th October 2023.
- 5.6 In addition to the in-person events held and the online webinars, members of the public could provide feedback through a variety of means such as online, via email or via post. To raise awareness of the consultation within the local community: NGET distributed an invitation newsletter to over 11,000 homes and businesses in Tilbury and Gravesend, together with other identified stakeholders including elected representatives, local authorities, and third-party and community interest groups. The two-page newsletter included a QR code with a direct link to the project website, as well as information on the two public exhibitions and two webinar events. There were also paid for Facebook adverts, and a press release in several news outlets.
- 5.7 Throughout the engagement period described above, NGET have taken time to explain NGET's land requirements, kept landowners appraised of the Project's progress/programme, and considered feedback received. As a result of this liaison, for example, NGET received feedback associated with the headhouse location which following engineering discussions moved approximately 70 metres north of the original location to accommodate Port of Tilbury London Limited's requests.

- 5.8 The construction area was changed following a request from the Port of Tilbury London Limited who were intending to use the area in question and make a planning application for a new warehouse. NGET considered this feedback during the evolution of the Project design and accommodated it wherever practicable having regard to other constraints including physical, ecological and operational. As a consequence of the feedback, the headhouse was moved and the construction area also, this meant additional surveys were needed. NGET has also moved its proposed permanent lease area to accommodate the Port of Tilbury London Limited's proposals for a new cycle path and footway.

6. OBJECTIONS

- 6.1 A total of 4 objections were initially made to the Order but two objections (from the Port of Tilbury London Limited and Denton Wharf Property Limited) have since been withdrawn.
- 6.2 NGET's responses to the remaining two objections are explained in the Evidence of Darren Kempson and Lee Driscoll.
- 6.3 In my view, neither of the two remaining objections suggest that there is any impediment to the delivery of the Project or question my view that the remaining consents needed for the Project will be granted at the appropriate time.

7. CONCLUSION AND SUMMARY

- 7.1 My name is Kate McGregor and I am a Senior Consents Manager at National Grid Electricity Transmission Plc ("**NGET**") and a full Member of the Institute for Environmental Management and Assessment ("**IEMA**"). I have a Masters Degree in Environmental Technology from Imperial College London and a first class Bachelors Degree with honours in Biology from the University of York specialising in environmental and ecological topics.
- 7.2 I have been working on the Grain to Tilbury project for two and a half years, providing support during the optioneering process and

throughout design stage in the lead up to the planning application submission in Dec 2023.

- 7.3 My role on the Grain to Tilbury tunnel replacement project ("**the Project**") was to provide consents management for the new electrical infrastructure and ancillary works including overhead line ("**OHL**") alterations.
- 7.4 My statement of evidence addresses the consenting position for the Project including the primary consents that are now in place and the proposed approach for successfully obtaining secondary consents once the Project is in delivery and that planning and other consenting matters do not present an impediment to the delivery of the Project.
- 7.5 I give evidence on behalf of the NGET in respect of the planning matters relevant to the Order (**CD C1**) having regard principally to the planning matters set out in the Guidance (**CD A1**) that are relevant to my evidence.
- 7.6 In my evidence I describe the Project by reference to the two planning applications for the Project submitted by NGET on 18th December 2023 (Planning application ref 20231313 and Planning permission ref. 23/01502/FUL).
- 7.7 Due to the opposing views of Thurrock Council and Gravesham Borough Council, NGET decided to treat the whole Project as EIA development and submitted an Environmental Statement to support both planning applications (extracts of which are at **CD B6**).
- 7.8 The Environmental Statement submitted with the planning applications for the Project concludes there will be no likely significant environmental effects (**CD B6**) and NGET confirms that it will commit to giving notice of intention to carry on the activity to the licensing authority before activity commences, therefore both conditions referred to at paragraph 3.8 are met.

- 7.9 The new OHL part of the Project is explained in the evidence of Dave Rogerson. New OHLs are consented via Section 37 of the 1989 Act. NGET submitted a section 37 consent application (ref 12.04.09.05-1933U) for the OHLs part of the Project to the Department for Energy Security and Net Zero on 21st June 2024 (copy at Appendix 2).
- 7.10 The Section 37 consent application is to be determined by Department for Energy Security and Net Zero. Insofar as the OHL works are to be undertaken on land which is not yet in NGET's control, it is envisaged that the Secretary of State will be in a position to co-ordinate the Section 37 and Order decisions.
- 7.11 A number of additional consents/licences will likely be required to facilitate the delivery of the Project, but these are not unusual and I expect them to be granted at the appropriate time. These include the following:
- (a) River Works Licence;
 - (b) Public Rights of Way temporary closure and diversions;
 - (c) Abstraction licence, flood risk activity permit, discharge consent, SSSI assent (depending on designation status by Natural England); materials management plan, groundwater activity permit; dewatering permit (depending on shaft construction method); land drainage consent; and flood defence consent.
- 7.12 As set out in the evidence of Lee Driscoll, in 2022, NGET had identified three options for the Project and it sought feedback from key stakeholders on these options, including the Port of Tilbury London Limited, PLA, RSPB and the Environmental Agency.
- 7.13 As a consequence of the feedback, the headhouse was moved and the construction area also, this meant additional surveys were needed. NGET has also moved its proposed permanent lease area

to accommodate the Port of Tilbury London Limited's proposals for a new cycle path and footway.

- 7.14 NGET also consulted extensively including holding a four-week public consultation which included in person and online events that ran from the 27 September 2023 to the 29 October 2023. Residents within the immediate vicinity of the Project received a newsletter with more information on the public consultation. Further, public information events took place at Tilbury (Tilbury Community Association) on 13 October 2023 and in Gravesend (Clarendon Royal Community) on 11 October 2023. The public consultation was also hosted on a Project website where residents and members of the public could register to attend to get more information. Two webinars were held, one which focussed on the proposed Project in Tilbury north of the River Thames, and one focussed on Gravesend south of the River Thames. In addition to the in-person events held and the online webinars, members of the public could provide feedback through a variety of means such as online, via email or via post. To raise awareness of the consultation within the local community: NGET distributed an invitation newsletter to over 11,000 homes and businesses in Tilbury and Gravesend, together with other identified stakeholders including elected representative.
- 7.15 A total of 4 objections were initially made to the Order but two objections (from the Port of Tilbury London Limited and Denton Wharf Property Limited) have since been withdrawn.
- 7.16 In my view, neither of the two remaining objections suggest that there is any impediment to the delivery of the Project or question my view that the remaining consents needed for the Project will be granted at the appropriate time.

8. Declaration

I confirm that the evidence prepared for this Inquiry and contained within this statement of evidence are my true and professional opinions. I confirm that I have understood and complied with my duty to the Inquiry as an Expert Witness and have provided my evidence impartially and objectively. I confirm that I have no conflicts of interest.

A handwritten signature in black ink, appearing to read 'Kate McGregor', is written over a light gray rectangular background.

Kate McGregor

13 May 2025