

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

CLOSING SUBMISSIONS

ON BEHALF OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Introduction

1. These closing submissions summarise the evidence of National Grid Electricity Transmission plc (“**NGET**”) in support of the confirmation of the National Grid Electricity Transmission Plc (Grain to Tilbury) Compulsory Purchase Order 2024 (“**CPO**”). They should be read together with NGET’s opening statement.
2. The written and oral evidence to the inquiry reveals that NGET has complied with government guidance¹ in promoting the CPO and has fully justified the exercise of compulsory acquisition powers in accordance with that guidance. Following successful engagement with affected landowners, it is important to note at the outset that there are no outstanding objections and the CPO is therefore unopposed.

The CPO scheme

3. As explained in opening, the Grain to Tilbury Project (“the **Project**”) is required to replace existing, outdated transmission infrastructure in order to meet future energy demands and ensure resilience in the transmission network. It comprises a new 2.2km tunnel under the River Thames to carry 12 new high voltage cables which will replace the existing tunnelled section of the Tilbury to Grain and Tilbury to Kingsnorth 400kV circuits; together with above ground infrastructure at Tilbury and Gravesend; the diversion of existing overhead lines and the removal and decommissioning of existing overhead lines and towers; together with two temporary construction compounds.
4. NGET considered a number of alternatives before arriving at its preferred scheme. These included three strategic options of (a) installing new cables within the existing tunnel; (b)

¹ In particular, the Department of Housing, Communities and Local Government’s Guidance on the Compulsory Purchase Process (October 2024)

installing the cables within a new tunnel and (c) installing new overhead lines across the River Thames.² Those strategic options were subject to consultation with environmental stakeholders.³

5. The first option was rejected on the basis that there was insufficient space within the existing tunnel to allow for the installation of 12 new cables and because of the health and safety risks of carrying out those works in a confined space alongside live high-voltage electricity cables. Furthermore, each circuit would need to be switched off for a full outage season. This would adversely affect the reliability and resilience of the network. The maximum outage duration that could be facilitated for the refurbishment of the tunnel and shafts was two, six-month outages. Given the construction programme to replace a single circuit is 13 months, this was not considered to be a feasible option. The third option would require the construction of a span of overhead lines of approximately 2km over the River Thames. The pylons would need to be approximately 245m in height, which would make them the tallest pylons in Europe, to allow for the clearance of large shipping vessels using this stretch of the River and would push the boundaries of current OHL technology. This option would also have required considerably greater land-take than the other options in order to accommodate the anchor pylons.
6. Following the selection of option 2, further work was carried out to identify suitable sites and route options,⁴ which led to the selection of the preferred sites. There has been no suggestion from any party that an alternative solution, site or route should have been selected in preference to the Project.
7. As is apparent from the evidence of Mr Rogerson and Mr Hyett, NGET has a clear idea of how it intends to use the Order Land for the tunnelling and electrical works and has taken no more land and rights than are necessary to enable the safe construction and operation of the Project.

² As explained in section 6 of Mr Driscoll's statement and more fully in the ES chapter on alternatives, **B7, p.2281 - 2288**

³³ As explained in the ES Chapter on Alternatives, **CD B7, p.2286 - 2288**

⁴ As explained in the ES Chapter on Alternatives, **CD B7, p.2289 - 2312**

Need for and benefits of the Project

8. NGET's Statement of Reasons;⁵ Statement of Case;⁶ and Mr Driscoll's evidence⁷ describe the Government's legally binding targets to become net zero for all greenhouse gases by 2050 and to achieve a 68% reduction in greenhouse gas emissions by 2030. NGET is responsible for delivering the extensive onshore transmission system enhancements that are required to achieve the government's 2030 power sector decarbonisation target. A large amount of renewable energy is expected to connect into the electricity transmission network on the east coast of England. Forecasts reveal that the existing Tilbury to Grain and Tilbury to Kingsnorth circuits will become significantly overloaded in their current capacity and require uprating. By replacing and updating the existing infrastructure and increasing the number of cables, the Project will contribute to increasing capacity and ensuring the transmission network is resilient and prepared for future demand.
9. There is extensive policy support for the Project. National Policy Statement ("NPS") EN-1 recognises that a significant amount of infrastructure is required to ensure that energy can be transported to where it is needed. High-quality infrastructure is crucial for economic growth, boosting productivity and competitiveness.⁸ There is an urgent need for new electricity network infrastructure to be brought forward at pace to meet Government energy objectives.⁹ In addition to the need for transmission infrastructure to connect new sources of (largely renewable) energy generation to the grid, EN-1 explains that investment in such infrastructure is also necessary to preserve and guarantee the robust, reliable and resilient operation of the electricity system.¹⁰ NPS EN-5 recognises that the security and reliability of present and future energy supply is highly dependent on having an electricity network which will enable the new energy generation and connection infrastructure needed to meet the rapid increase in electricity demand required to transition to net zero.¹¹ The Energy White Paper;¹² Net Zero Strategy;¹³ British Energy

⁵ Statement of Reasons, **CD C4**

⁶ Statement of Case, **CD C5**

⁷ See section 5 of Mr Driscoll's statement

⁸ NPS EN-1, para. 2.1.3, **CD A4**

⁹ NPS EN-1, para. 3.3.65, **CD A4**

¹⁰ NPS EN-1, para. 3.3.67, **CD A4**

¹¹ NPS EN-5, paras 1.1.1 – 1.1.5, **CD A5**

¹² Energy White Paper, **CD A15**

¹³ Net Zero Strategy, **CD A14**

Security Strategy;¹⁴ Powering Up Britain documents¹⁵ and Clean Power 2030 Action Plan¹⁶ all recognise the vital role of new electricity transmission infrastructure if the UK's net zero and energy security ambitions are to be met. It is these twin objectives of decarbonising the energy system and ensuring security of supply that underpin the Project.

10. In light of Government targets, there is an urgent need for the Project to be operational by 2030. The Grain to Tilbury Project has been selected as one of just 26 ASTI projects designated by Ofgem on the basis that it needs to be operational by 2030 and there is clear evidence that the consumer benefits of applying the accelerated delivery framework will exceed any consumer detriment. The selection of the Project under the ASTI framework demonstrates its importance, urgency and significant benefits that it will deliver.

Human rights and equality

11. The need for and benefits of the Project justify the proposed interference with the human rights of affected landowners.¹⁷ All of the land and rights comprised in the Order Land are required for the construction and operation of the Project. Whilst owners and occupiers of the Order Land may be deprived of their interests or subject to additional rights over their property, this will be in accordance with the law. NGET has taken a proportionate approach and is only seeking to acquire freehold title where necessary for permanent infrastructure. The remainder of the Order Land is proposed to be affected by new rights only. There are no residential interests affected by the Order and no persons' lawful occupation will be displaced. The Order is promoted in the public interest as required by Article 1 of the First Protocol and is justified by the public benefits described above. It strikes the right balance between the public interest in securing the delivery of the Project and those private rights that will be affected by the Order. Any interference with the rights of affected landowners is in accordance with the law, justified and proportionate. Importantly, none of the landowners object to the CPO.

¹⁴ British Energy Security Strategy, **CD A13**

¹⁵ Powering Up Britain – Energy Security Plan, **CD A10** and Powering Up Britain – The Net Zero Growth Plan, **CD A11**

¹⁶ Clean Power 2030 Action Plan, **CD A3**

¹⁷ Mr Driscoll's evidence, section 11

12. NGET has had regard to the public sector equality duty in promoting the CPO. It has undertaken extensive consultation with the community, local planning authorities and affected landowners. As a result of that engagement, it does not consider that the Project will give rise to any differential or disproportionate impacts on persons with a relevant characteristic. However, as explained by Ms McGregor, NGET will continue to engage with landowners and the public through the Project website which provides a free telephone number and postal address by which representations can be made; newsletters and consultation events. Should any impacts on persons with protected characteristics be identified, packages of assistance measures will be put in place to mitigate impacts so far as reasonably practicable.

Efforts to acquire by agreement

13. NGET relies on powers of compulsory acquisition as a measure of last resort to assemble the land and rights that are needed to implement the Project. As explained in the Government's guidance on the compulsory purchase process, it will often be sensible for acquiring authorities to begin the compulsory purchase process alongside continued negotiations with affected persons.¹⁸ This has proved to be effective, with only four objections received to the CPO, and no outstanding objections by the time the inquiry opened.
14. Mr Kempson's evidence describes the engagement with affected landowners, which began in 2022. The majority of the Order Land is owned by the Port of Tilbury London Limited. NGET has engaged extensively with the Port as to the location of the sealing end and construction compound and has accommodated a number of requests from the Port in its ultimate design. It has also entered into voluntary land agreements with the Port which have enabled its objection to be withdrawn. Similarly, NGET has entered into voluntary agreements with Denton Wharf Properties Ltd; Network Rail Infrastructure Limited and Southern Gas Networks, as a result of which all parties have withdrawn their objections.

¹⁸ Ministry of Housing, Communities and Local Government Guidance on the Compulsory Purchase Process (October 2024), para 2.8

15. It is clear that NGET has made genuine and reasonable efforts to acquire the relevant land and rights by agreement and relies on powers of compulsory acquisition as a measure of last resort to ensure the deliverability of the Project.

Compulsory purchase powers

16. Furthermore, NGET has made every effort to minimise interference with affected land by proposing freehold acquisition only where this is required for permanent infrastructure associated with the sealing end compounds at Tilbury and Gravesend. In all other instances, NGET has sought bespoke packages of rights¹⁹ which have been carefully considered and tailored to the specific plots to enable requisite works to be carried out and operated without unduly burdening the land. Its approach to acquisition constitutes a proportionate interference with the rights of affected landowners.

Impediments to the delivery of the project

17. There are no impediments to the delivery of the Project. Ms McGregor's evidence explains that planning permission has been granted by both Gravesham and Thurrock Councils for all aspects of the Project that require such permission.²⁰ Both planning applications, as well as the CPO itself have been subject to extensive public consultation.²¹ Following the grant of those permissions, NGET is now actively engaged in the discharge of pre-commencement conditions.
18. NGET submitted an application for s.37 consent for the new overhead lines to the Department for Energy Security and Net Zero in June 2024. The application was subject to consultation with both relevant local authorities. There have been no objections to the application and NGET anticipate that it will be determined concurrently with the decision on the CPO. There are a number of additional or secondary consents that will be required, such as a River Works Licence and temporary Public Rights of Way diversion but these requirements are typical for this type of development and NGET is confident that they will be agreed with relevant authorities so as to enable the delivery of the Project.

¹⁹ As defined in the CPO, **CD C1**

²⁰ Planning permission granted by Thurrock Council, **CD B1** and by Gravesham Council, **CD B3**

²¹ The consultation process on the planning applications is described in the Statement of Community Involvement, **CD B5** and the ES Chapter on Consultation, **CD B9** and **B10**

19. As explained in the evidence of Mr Driscoll and Mr Hyett, NGET has extensive experience of building, operating and maintaining linear infrastructure schemes including large-scale tunnelling projects and has carried out extensive technical and engineering analysis to inform Front End Engineering Design. Contractors have now been appointed, following a thorough tendering process and are making further progress on detailed design and early construction works. Both the contractors and NGET²² are subject to penalties in the event that the Project is not delivered and operational by 2030, in accordance with the ASTI requirements which provide strong incentives for delivering the Project on time. The Secretary of State can have every confidence that the Project will be delivered in the event that the CPO is confirmed.
20. NGET's investments, including for the Grain to Tilbury Project, are funded via Ofgem's regulatory framework. ASTI projects are funded through pre-construction funding; early construction funding and then an application for full project costs via a project assessment process. NGET has already received £8.9m in pre-construction funding and a proportion of the total Project costs pursuant to an early construction funding application. The next funding stage is the project assessment submission which was made in March 2025 and is expected to be determined within 6 months of submission. Given that the Project is an ASTI project; the funding that has been awarded to date and the continuous engagement between NGET and Ofgem throughout the process, there is a high degree of confidence that full funding will be awarded to enable the Project to be delivered.

Conclusion

21. For the reasons summarised in these closing submissions and explained more fully in the evidence to the inquiry, the need for and benefits of the Project outweigh the private loss to affected persons. NGET has a clear idea of how it intends to use the land and proper and reasonable efforts have been made to acquire the requisite interests through voluntary agreements. NGET has taken a proportionate approach in only seeking such land and rights as are necessary to facilitate the construction and operation of the Project. There is a high degree of confidence that necessary resources will be sanctioned by Ofgem to cover the full costs of the Project. There are no impediments to the delivery of the Project,

²² As explained in Mr Driscoll's evidence, para 5.7.1, under the ASTI framework, transmission owners are penalized for failing to deliver against target delivery dates

with planning permissions now secured and secondary consents unlikely to pose any difficulty to its delivery. As such, NGET respectfully invites the Secretary of State to accept that there is a compelling case in the public interest justifying the exercise of compulsory purchase powers and to confirm the CPO subject to the minor modification set out in NGET's letter of 4 March 2025,²³ namely to correct the entity owning plot 3/7 in Table 1 of the CPO to refer to the "Port of Tilbury **London** Limited".

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²³ Letter from Eversheds Sutherland, on behalf of NGET, dated 4 March 2025, **CD D7, p.2946**