

JUAN MURRAY: PLANNING AND CONSENTS

PROOF OF EVIDENCE

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Juan Murray, and I am a Chartered Town Planner and Member of the Royal Town Planning Institute. I hold a Master's degree in planning and Sustainable Environments from the University of Salford.
- 1.2 I am an Associate Director at The Environment Partnership (TEP) and Team Manager for the Environmental Planning Team. I have 18 years' experience as a consultant working on a range of projects, from large infrastructure to small residential schemes.
- 1.3 I was instructed by National Grid Electricity Transmission Plc ("**NGET**") as lead consent officer, to secure the necessary consents to allow the delivery of the Cotswold Visual Impact Provision project ("the **Project**"). I have visited the site on numerous occasions.
- 1.4 The evidence which I have prepared and provide in this proof of evidence is true and has been prepared, and is given, in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2. INTRODUCTION AND SCOPE OF EVIDENCE

- 2.1 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 environmental impact assessment ("**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 15 of the Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase Process (**CD A14**).
- 2.2 A detailed description of the Project is provided in the evidence of Amardeep Malhi and is not repeated in my evidence. However, in summary, the Project will entail the undergrounding of some 7 km of overhead line ("**OHL**") and the removal of 18 pylons (a net removal of 16 pylons, given that the Project also requires the erection of two new pylons) within the National Landscape. The Project also entails the construction of 2 cable end sealing compounds ("**CSECs**"), one at the southern end and one at the northern end of the undergrounded cable, and a new shunt reactor at the Melksham Substation.
- 2.3 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 F2** ("the **Glossary**") and my evidence adopts the terms defined in the glossary.
- 2.4 My statement of evidence is structured as follows:
 - 2.4.1 Section 3 provides a summary of the overarching consents strategy.
 - 2.4.2 Section 4 details the consultation undertaken in respect of the necessary consents.
 - 2.4.3 Section 5 provides a summary of the biodiversity and environmental net gain position.

- 2.4.4 Section 6 provides a response to matters raised by objectors to the Order insofar as they are relevant to my evidence.
- 2.4.5 Section 7 provides a summary of my evidence and my conclusions.
- 2.4.6 Section 8 provides my declaration.

3. OVERARCHING CONSENTS STRATEGY

Permitted Development Rights

- 3.1 The majority of the Project is to be constructed pursuant to permitted development rights.
- 3.2 NGET will make use of permitted development rights for:
 - 3.2.1 the excavation of the cable trenches (General Permitted Development Order (GPDO) 2015 Schedule 2, Part 15, Class B(a));
 - 3.2.2 the installation of the section of underground electric and fibre cable between the two CSECs located at each end of the cable route (General Permitted Development Order (GPDO) 2015 Schedule 2, Part 15, Class B(a)); and
 - 3.2.3 the installation of temporary construction compounds and construction working areas (including the haul road) that are required to construct the infrastructure listed above (General Permitted Development Order (GPDO) 2015 Schedule 2, Part 4, Class A).
- 3.3 All activities beneath ground which are associated with the trench, including its ultimate fit-out and cable installation, will also be carried out pursuant to permitted development rights.

Planning Permission

- 3.4 Copies of the planning decision notices are at **CD B1 to B3**.
- 3.5 In relation to the construction of CSECs and the provision of access tracks, applications for planning permission were submitted in June 2024 to Tewkesbury Borough Council (Reference 24/00505/FUL) and to Cotswold District Council (Reference 24/01778/FUL) in whose administrative areas the CSECs would lie (together the "**Planning Applications**").
- 3.6 The description of development for which planning permission is sought pursuant to the Planning Applications is as follows:

"Proposed construction of Cable Sealing End Compound to facilitate the connection between underground cables and existing OHL and associated permanent access roads (and bell-mouth) to the CSECs in addition to temporary bell-mouths created to support the cable construction along classified roads."
- 3.7 Planning permission for the southern CSEC was granted by the Cotswold District Council on 25 March 2025 (**CD B1**). Planning permission for the northern CSEC was granted by Tewkesbury Borough Council on 24 July 2025 (**CD B2**).
- 3.8 In relation to the expansion to the Melksham Substation to allow for the siting of a new shunt reactor, an application for planning permission was validated on 18 November 2024 to Wiltshire Council (Reference PL/2024/09954) (the "**Melksham Planning Application**").

- 3.9 The description of development for which planning permission is sought pursuant to the Melksham Planning Application is as follows:

“Expansion of an existing substation to allow for the siting of a new shunt reactor”.

- 3.10 Planning permission for the Melksham Planning Application was granted by Wiltshire Council on 25 April 2025 (**CD B3**).

Consideration of Environmental Impact Assessment

- 3.11 Permitted development rights are not available in most cases where development is "EIA development" as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore, in respect of those elements of the Project that are to be consented pursuant to permitted development rights, NGET has sought confirmation from the relevant local planning authorities and other statutory bodies through the EIA screening process that the Project is not 'EIA development'.
- 3.12 A letter requesting an EIA screening opinion was submitted to Tewkesbury Borough Council and Cotswold District Council on 18 December 2023. Both Tewkesbury Borough Council and Cotswold District Council have since screened the Project and have confirmed in writing that it is not 'EIA development' (**CD B9** and **CD B10**). Therefore, permitted development rights are available to NGET in these circumstances.

Section 37 Consent pursuant to the Electricity Act 1989

- 3.13 Section 37 of the Electricity Act 1989 ("**1989 Act**") is the main means of obtaining consent for minor works relating to OHLs in England unless they are exempted from such a requirement by meeting certain limitations and restrictions under the Overhead Line (Exemption) (England and Wales) Regulations 2009 ("**2009 Regulations**").
- 3.14 NGET has been granted a Section 37 consent under the 1989 Act for the temporary (one year) overhead line diversions that will be required at the southern CSEC. Consent was granted on 6 November 2024 (**CD B4**).
- 3.15 The Secretary of State has also confirmed in writing that the proposed works are not EIA development under the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (**CD B11**).
- 3.16 Section 37 consent under the 1989 Act is not required for the works associated with the installation of a replacement tower and downleads to connect the existing OHL to the CSECs in accordance with Regulation 3 of the 2009 Regulations.

Section 38 Consent pursuant to the Commons Act 2006

- 3.17 NGET has been granted a Section 38 consent under the Commons Act 2006 to carry out works over a narrow strip of land which is part of Cleeve Hill Common, to the west of the existing overhead line. Consent was granted by the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs on 4 March 2025 (**CD B5**).

Highway Orders

- 3.18 The Project will require a small number of highway orders, in the form of temporary Traffic Regulation Orders, along with certain other conventional highways consents, such as authority

to carry out works to the highway which may be contained in a Section 278 agreement, which the contractor may from time to time seek to obtain from the relevant highways authority.

- 3.19 These highways orders will be required in respect of the overhead electricity line removal and access works. Given the programme for those works, the orders are not proposed to be sought by NGET until nearer the commencement date.
- 3.20 In any event, the highway orders and other highways consents are standard consents, and there is no reason to believe that the need for such consents represents an impediment to the delivery of the Project.

Consent pursuant to the Cleeve Common Byelaws

- 3.21 The works require the consent of the Conservators of Cleeve Common ("**Conservators**") under the Commons Regulation (Cleeve) Provisional Order Confirmation Act 1890 and its associated byelaws. The Conservators granted consent on 19 November 2024 (**CD B6**).

4. CONSULTATION UNDERTAKEN

- 4.1 This section deals with the consultation process undertaken in respect of the necessary consents required to deliver the Project. These being consents for planning permission for the CSECs and the shunt reactor, Section 37 consent for the temporary OHL diversion and Section 38 consent for works within Cleeve Common.
- 4.2 Further detail on consultation undertaken in respect of the Project is dealt with in the evidence of Mr Amardeep Malhi.
- 4.3 NGET tailored its consultation programme with regard to the community in the Cotswolds and Wiltshire (for the shunt reactor) and has gone above and beyond guidelines and requirements set out for developers, engaging as many stakeholders as possible and maximising opportunities for feedback. Prior to finalising the proposals, NGET carefully considered the feedback it received from local stakeholders and residents during the consultation process.

Pre-application consultation

- 4.4 A number of public events were held during 2022, 2023 and 2024, in respect of the CSECs and undergrounding of the OHL. These events included guided walks that explained the indicative route, pop up tents at local events and public consultation drop-in events in village halls.
- 4.5 The events were a well promoted opportunity for members of the public to drop by and meet the project team, with opportunity to ask any questions and feedback about the Project. Details about the event were published on the website and Facebook pages of local stakeholders. Letters were sent to local residents near the proposed cable and where the drop-in events were taking place. A press release was also issued, with content published by local media including Gloucestershire Live, Cotswold Journal, Gloucestershire Echo and Punchline.
- 4.6 Consultation undertaken for the Melksham Shunt Reactor planning application (submitted to Wiltshire Council) consisted of writing to selected stakeholders including the local Parish Council (Melksham Without) and local ward member for Wiltshire Council – Councillor Philip Alford, Melksham Without North & Shurnhold ward. A briefing was arranged with Councillor Alford which was held in December 2024 via Teams. We continued to engage with the Parish Council and responded to questions about the project.

4.7 Upon submission of the planning applications, the correct certificates were completed, and all landowners were notified as required Town and Country Planning (Development Management Procedure) (England) Order 2015 Notice Under Article 13 of Application for Planning Permission.

4.8 The Local Planning Authorities followed due process in their determination of the planning applications, and I am not aware of any legal challenges regarding the process they followed.

Section 37 Consent pursuant to the Electricity Act 1989

4.9 Under the Electricity (Applications for Consent) Regulations 1990, Regulation 5, a notice of application for consent under Section 37 of the Electricity Act 1989, must be published in two successive weeks in one or more local newspapers circulating in the relevant area.

4.10 The required notice was published within the Gloucestershire Echo and Gloucestershire Citizen from 29th August until 12th September 2024. Evidence of this notice being advertised was issued to the Consents Manager at the Department for Energy Security & Net Zero ("DESNZ") on 16th September 2024.

Section 38 Consent pursuant to the Commons Act 2006

4.11 An application under Section 38 of the Commons Act 2006 for consent to carry out construction works on common land at Cleeve Common, was submitted.

4.12 A notice of the application was published in the Gloucestershire Echo and Gloucestershire Citizen on 27th June 2024.

4.13 A completed letter (Annex D template) was included with the application and issued to PINS confirming that NGET had met the advertising requirements, listing the interested parties notified and a copy of the notice.

4.14 A letter based on the one at Annex C (template of letter to send to Consultees with Notice – Section 38 applications¹) to all those listed in Section J of the application form was sent out to consultees. Those consulted were as follows:

- Southam Parish Council
- Historic England
- Tewkesbury Borough Council
- Natural England
- Cotswold National Landscapes
- Open Spaces Society
- Archaeological Service
- Owners

¹ <https://www.gov.uk/government/publications/application-form-for-consent-to-construct-works-on-common-land/notes-for-making-an-application-for-consent-to-construct-works-on-common-land-commons-act-2006>

- Active Commoners
 - Companies with an interest
- 4.15 A notice of application was posted at the principal places of entry to Cleeve Common and maintained there until the end of the objection period.
- 4.16 A copy of the complete application (including the notice and map) was available for viewing at Cotswold District Council's Office Reception. These documents remained there until the end of the objection period.
- 4.17 The Common Land Casework Officer at The Planning Inspectorate received four representations in response to the application notice, these were from:
- Natural England
 - Open Spaces Society
 - Historic England
 - Cotswold National Landscape Board
- 4.18 The Casework Officer invited NGET to respond to the representations within 21 days. NGET followed due process and responded within the specified timeframe.

5. BIODIVERSITY AND ENVIRONMENTAL NET GAIN

- 5.1 Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 identifies a mandatory requirement for 10% Biodiversity Net Gain ("**BNG**"). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023.
- 5.2 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the **biodiversity gain condition**") that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan in writing.
- 5.3 The Biodiversity Gain Requirements (Exemptions) Regulations 2024 prescribe exemptions for categories of development to which biodiversity net gain does not apply. Developments that are granted planning permission by a development order (including permitted development rights) are exempt from BNG.
- 5.4 The Cotswold National Landscape Management Plan Policy CE8: Nature recovery and biodiversity identifies under the supporting text that although the national statutory requirement for net gain in biodiversity arising from development proposals is 10%, it should be 20% within the Cotswolds National Landscape (**CD A16.1**). Subsequently, NGET agreed to deliver 20% BNG for the planning application elements of the project.

- 5.5 The 20% BNG for the CSECs (and associated works) Planning Applications will be delivered by the Gloucestershire Nature + Climate Fund ("**GNCF**"), a not-for-profit broker of BNG units for nature restoration in Gloucestershire.
- 5.6 Although the permitted development elements (for example the undergrounding of the cable) of the Project are exempt from mandatory BNG, NGET have an obligation under their licence agreement with Ofgem (RIIO-2) to provide an Environmental Net Gain on projects affecting the local environment at a baseline target of plus 10%². The Environmental Net Gain is referred to in the licence, along with the terminology of Biodiversity Net Gain. The licence uses the two terms interchangeably, with no clear definition of their meaning. There is no reference to the terminology being linked to mandatory BNG (TCPA 1990 Schedule 7A) as the licence pre-dated this requirement being implemented by legislation.
- 5.7 Delivery of the 10% Environmental Net Gain is a little more flexible than mandatory BNG and NGET will engage local landowners / conservation groups in discussions to determine the most effective way to deliver this commitment to provide a long-term environmental legacy within the Cotswold National Landscape.
- 5.8 To address the 10% Environmental Net Gain, NGET have previously used the DEFRA Metric to measure the impact of the works on biodiversity and inform the approach and strategy to mitigation and enhancement, for both onsite and offsite. At the Sheffield Cables Project, this approach was taken and a contribution of £120,000 was made to The Shire Brook Species Recovery Project, a nature improvement project covering over 400 acres, facilitated by Sheffield City Council. The contribution was used as match funding alongside other stakeholders including Yorkshire Water and the Environment Agency to enable access to over £1m of grants.
- 5.9 There is no reason to believe that NGET will not be able to deliver the requirement for Environmental Net Gain, and there are multiple potential avenues of delivery.
- 5.10 NGET have also developed a procurement framework of strategic organisations that can provide registered Biodiversity Units alongside wider environmental and societal benefits supporting delivery of BNG and Environmental Net Gain commitments.
- 5.11 In this regard NGET have developed a Carbon and Nature Framework to support the business in meeting their sustainability commitments. This is a 3-year framework – mobilised in July 2025.
- 5.12 The framework is structured in 3 separate lots –
- Lot 1 - Carbon compensation - A range of organisations who can provide verified Carbon Credits to offset our residual carbon emissions,
 - Lot 2 – BNG - Organisations that can provide verified and registered BNG units from Habitat Banks that also deliver wider environmental and societal benefits to meet mandatory BNG requirements in England – This lot can also be used for Voluntary Non-Stat BNG,
 - Lot 3 - Nature Based Solutions and Climate Innovation – Organisations who can provide a range of investable Nature Based projects that can deliver measurable

² RIIO-2 Final Determinations – NGET Annex (Revised). Ofgem. Publication date: 03 February 2021. Appendix 1: Additional Information. Table A1.1: Environmental Scorecard ODI-F annual reward and penalty thresholds.

improvements for Nature and carbon – used for non-statutory Biodiversity actions including Net Benefit for Biodiversity (NBB) in Wales.

- 5.13 The 10% BNG requirement for the Melksham Shunt Reactor Planning Application (Wiltshire Council) will be delivered by NGET's BNG procurement framework or alternative BNG providers, such as the GNCF that are providing the units for the CSEC planning applications.
- 5.14 As is apparent from the above, there are many options for NGET to deliver the BNG and Environmental Net Gain requirements of the Project.

6. OBJECTIONS MADE TO THE ORDER

- 6.1 A total of 7 objections were initially made to the Order (**CD C5 to C11**), but 3 objections have since been withdrawn. NGET's Statement of Case (**CD C4**) and the evidence of Dominic Rees outlines the 4 relevant objections remaining at the time of writing, NGET's response to them and the status of negotiations.
- 6.2 I have summarised the objections below to the extent that they relate to my evidence and provided my response to them beneath the summary.
- 6.3 None of the objections suggest that there is any impediment to the delivery of the Project.

Mr Jonathan Morton Stanley and Corinium Construction Limited

- 6.4 Mr Jonathan Morton Stanley and Corinium Construction Limited state at paragraph 2.5.3 of their objection to the Order (dated 29 May 2025) that planning permission for the southern CSEC was sought before any notice was given to the affected landowners (**CD C7**). I do not accept this criticism. Indeed, I note that NGET notified all owners of its application for planning permission to construct the CSEC and associated accesses pursuant to the requirements of Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A copy of the notice to Mr Jonathan Morton Stanley, related cover letter and an extract of the application form confirming the same are included at **CD B12.1, B12.2 and B12.3**. I also note that this point was not included in the Stanley/Corinium Statement of Case (dated 29 September 2025). Further, I note that no challenge was mounted in respect of the planning permission granted in respect of the Southern CSEC; permission was granted and there is no bar to its implementation as part of delivery of the Project.
- 6.5 Mr Jonathan Morton Stanley and Corinium Construction Limited also state at paragraph 2.4.5 of their Statement of Case (dated 29 September 2025) (**CD E1**) that:

‘2.4 The Order fails the “compelling case in the public interest” test because:

2.4.5 Insufficient environmental safeguards: The OCEMP is high-level and non-binding at this stage; specific noise, vibration, dust, drainage, soils and monitoring commitments are not secured.’

- 6.6 The above point is expanded at paragraph 5.4 / 5.4.1 of the Statement of Case but ultimately outlines a similar point, that an Outline Construction Environmental Management Plan ("**OCEMP**") is non-binding and has insufficient safeguards in place to secure environmental mitigation methods.
- 6.7 I do not accept this assertion. Submitting an OCEMP at the planning application stage is common practice, and entirely orthodox for a development of this type. It is necessary that the plan be ‘outline’ (or draft) at this point, because a Principal Contractor will not have been

selected at the planning application stage. The intention is that the OCEMP picks up some of the key points and potential mitigation measures that have been identified by the suite of surveys and technical studies undertaken to support the planning application. These points are then subsequently taken forward to be included within a Project CEMP, which will be produced by the Principal Contractor in collaboration with NGET at the discharge of condition stage. In the present case, this process is secured by way of a planning condition (Condition 6 of 24/01778/FUL, Condition 7 of 24/00505/FUL and Condition 6 of PL/2024/09954 (**CD B1 – B3**) which requires discharging prior to commencement of development. Accordingly, the Project CEMP must be approved by the Local Planning Authority in advance of development; this process provides a definitive safeguard, so that no development begins until relevant details are agreed and approved by the Local Planning Authority.

- 6.8 I do not consider there is any basis to assume that NGET will not provide (and that the Local Planning Authority will not insist upon) suitable environmental safeguards in the present case.

7. SUMMARY AND CONCLUSION

- 7.1 My name is Juan Murray, and I am a Chartered Town Planner and Member of the Royal Town Planning Institute. I hold a Master's degree in Planning and Sustainable Environments from the University of Salford.

- 7.2 I am an Associate Director at The Environment Partnership (TEP) and Team Manager for the Environmental Planning Team. I have 18 years' experience as a consultant working on a range of projects, from large linear infrastructure to small residential schemes.

- 7.3 I was instructed by NGET as lead consent officer, to secure the necessary consents to allow the delivery of the Project. I have visited the site on numerous occasions.

- 7.4 I have secured the following consents / processes:

- Section 37 Consent pursuant to the Electricity Act 1989 (temporary OHL diversion)
- Section 38 Consent pursuant to the Commons Act 2006 (works within Cleeve Common)
- Planning permission under the Town and Country Planning Act 1990 for two CSECs (Tewkesbury Borough Council and Cotswold District Council) and a Shunt Reactor (Wiltshire Council).
- Screened the Project as a whole for EIA under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (The Secretary of State has also confirmed in writing that the proposed works are not EIA development under the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017).
- NGET will make use of permitted development rights for:
 - o the excavation of the cable trenches (General Permitted Development Order (GPDO) 2015 Schedule 2, Part 15, Class B(a));
 - o the installation of the section of underground electric and fibre cable between the two CSECs located at each end of the cable route (General Permitted Development Order (GPDO) 2015 Schedule 2, Part 15, Class B(a)); and

- o the installation of temporary construction compounds and construction working areas (including the haul road) that are required to construct the infrastructure listed above (General Permitted Development Order (GPDO) 2015 Schedule 2, Part 4, Class A).
- o All activities beneath ground which are associated with the trench, including its ultimate fit-out and cable installation, will also be carried out pursuant to permitted development rights.

7.5 There has been one objection made to the order which is relevant to the process undertaken at the Planning Permission stage. Mr Jonathan Morton Stanley and Corinium Construction Limited (**CD C7**) state that planning permission for the southern CSEC was sought before any notice was given to the affected landowners. I reject this procedural criticism. NGET notified all owners of its application for planning permission to construct the CSEC and associated accesses pursuant to the requirements of Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A copy of the notice to Mr Jonathan Morton Stanley, related cover letter and an extract of the application form confirming the same are included at **CD B12.1, B12.2** and **B12.3**. I feel these appropriately deal with this objection and no further comments are required.

7.6 There has also been an objection made by Mr Jonathan Morton Stanley and Corinium Construction Limited contained within their Statement of Case (**CDE1**) stating that an OCEMP is non-binding so that insufficient safeguards are in place. I have addressed this, as I believe it's a planning matter. As I have shown in paragraph 6.7 of my statement, each planning application has a condition requiring a detailed CEMP to be produced, submitted and approved by the Local Planning Authority prior to commencement of construction / development starting. It is my firm view that, having regard to these requirements, there are firm safeguards in place which will preclude the carrying out of development until relevant environmental protections are agreed and approved by the Local Planning Authority.

7.7 In my view, there are no planning impediments to the delivery of the project.

8. WITNESS DECLARATION

8.1 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.

8.2 I confirm that artificial intelligence has not been used to produce this statement of evidence.



JUAN MURRAY

9 OCTOBER 2025