

The National Grid Electricity Transmission PLC (VIP Cotswolds) CPO 2025

Objections by (1) Jonathan Morton Stanley (2) Corinium Construction Limited

---

WRITTEN SUBMISSIONS ON BEHALF OF  
JONATHAN MORTON STANLEY  
AND CORINIUM CONSTRUCTION LIMITED

---

Introduction

1. These are the written submissions on behalf of the objectors Jonathan Morton Stanley and Corinium Construction Limited to the National Grid Electricity Transmission PLC (VIP Cotswolds) CPO 2025. They should be read together with the objectors' initial objection to the CPO dated 29 May 2025 and their statement of case dated 29 September 2025.
2. The objectors are confident that the Inspector (and the Secretary of State) will give these submissions due weight as written representations before the inquiry but, since the objectors are not prepared to commit substantial resources to instructing lawyers and experts to present their objection at the inquiry, a procedural question arises as to how NG's evidence and/or response to these submissions can be addressed since the objectors will not have the opportunity to cross-examine on them or to comment on any evidence submitted by National Grid in rebuttal. This raises an issue of fairness which is expanded on below.

Summary of points of objection/NG's response to them

3. The objectors' points of objection are summarised in Appendix 2 of National Grid's Statement of Case together with National Grid's response to them.
4. In relation to the point that the options including the selection of the southern CSEC (and S4 in particular) lacked clarity/were not fully justified, NG says of options S5 and S6 to the south of the A40 and away from the clients' land (and acknowledging that the reference to S4 was a typographical error) that  
"Whilst these locations presented the landscape and visual benefit of resulting in the removal of an additional 3 pylons, they were ultimately rejected due to fundamental technical challenges relating to topography, crossings, and construction constraints".  
and that

“Option S5 also presents landscape and visual disadvantages that materially reduce the benefits of additional pylon removal. Option S5 is heavily constrained in terms of space for landscape and visual mitigation measures, and the Cotswold Way National Trail runs directly through it. Whilst Option S6 was the preferred location from a landscape and visual perspective, this was ultimately rejected due to the aforementioned technical challenges relating to topography, crossings, and construction constraints”

and that

“In light of the above considerations, the fundamental technical challenges of these options were not outweighed by the landscape and visual benefits of enabling the removal of additional pylons”.

5. The text in Appendix 2 refers back to para. 7.16 of the Statement of Case (which did not appear in the Statement of Reasons, contrast para. 10.2.7) which says

“7.16 As part of its assessment, NGET gave consideration as to whether the southern CSEC could be located south of the A40 (Options S5 and S6). Whilst these locations presented the landscape and visual benefit of resulting in the removal of an additional 3 pylons, they were ultimately rejected due to fundamental technical challenges. These are summarised below.

a) Topographical challenges: From the River Chelt valley floor (where S5 and S6 are located), the underground cables would need to ascend approximately 60-80 metres up the escarpment to reach the existing overhead line infrastructure on the High Wold plateau. This steep ascent over a relatively short distance presents significant engineering difficulties for cable installation and long-term thermal performance.

b) Crossings: Any cable route from locations south of the A40 would require complex crossings beneath three significant obstacles: (i) the A40 trunk road, (ii) the embankments of a dismantled railway, and (iii) the River Chelt. These crossings would necessitate specialised construction techniques such as horizontal directional drilling, introducing substantial technical risk, cost, and programme implications.

c) Construction constraints: The confined nature of the sites south of the A40, bounded by the A40 to the north and Lineover Wood to the south/east, severely restricts construction access and working space. The delivery and installation of large electrical equipment could be extremely challenging given the limited access via narrow local roads, creating both health and safety risks during construction and raising concerns about long-term maintenance accessibility”.

6. This section of the Statement of Case concludes by saying (again a passage not appearing in the Statement of Reasons):

“7.17 Having regard to these constraints, NGET determined that Options S5 and S6 would introduce unacceptable technical complexity and risk to the Project. The engineering challenges would also significantly increase construction costs and programme duration. These significant disadvantages were not outweighed by the landscape and visual benefits of enabling the removal of additional pylons.

7.18 In contrast, the locations north of the A40 avoid these technical constraints whilst still achieving the Project’s primary objective of removing the section of visually intrusive overhead line that was judged to result in the most significant visual benefits to the widest range of key visual receptors. NGET concluded that Option S2 provides the optimal balance of avoiding unacceptable impacts, ensuring technical feasibility and maintaining economic and efficient delivery”.

7. In relation to the point of objection that the proposals do not address the project’s aim (and statutory objectives) of maximising landscape benefits/that options S5 and S6 would be a better solution, Appendix 2 largely repeats what is set out in para. 9 above (although it does not address the point about the Gagan restaurant owner’s willingness to accommodate the CSEC on his land) and contends that

“The selected solution for the southern CSEC (Option S2) meets NGET's obligations under Section 38 of the 1989 Act and Section 85 of CROW Act 2000 by delivering significant landscape enhancement (net removal of 16 pylons and undergrounding of approximately 7km of OHL) whilst maintaining technical feasibility and economic efficiency. This represents an appropriate balance between these factors and achieves the Project’s aims”.

8. Responding to the objectors’ point that even if ending the Project at S2/S3 were the most sensible end-points for the Project (which was denied), the reasoning for selecting South End F was opaque and that insufficient consideration had been given to South End E, NG says (again not set out in the Statement of Reasons, contrast para. 10.2.10) that

“The selection of South End F as the preferred option for the positioning of the southern CSEC was also the result of an extensive assessment undertaken by NGET. As explained at paragraphs 7.24 to 7.27, NGET assessed all 6 southern CSEC

configuration options against multiple criteria including landscape and visual impact, health and safety management, environmental and land use impact, and engineering and construction considerations. South End F was selected because it provided the optimal performance across these assessment criteria, particularly in avoiding positioning any new CSEC or terminal tower closer to the Cotswolds National Trail whilst minimising engineering complexity and land use complications. In contrast, South End E was rejected despite offering marginally greater distance from the Cotswolds National Trail because this benefit was outweighed by significant disadvantages including the need for construction across multiple land parcels, increased overhead line conductor oversailing creating additional health and safety risks, and the requirement for temporary circuit diversions and auxiliary crossarms introducing additional technical complexity”.

9. Paras. 7.24 to 7.27 of the Statement of Case (yet again not appearing in the Statement of Reasons) say this:

“7.24 NGET selected South End F as the preferred southern CSEC configuration following a detailed assessment of all 6 southern options against the topics set out at paragraph 7.22. South End F was selected due to its performance against this criterion. The configuration results in minimal visual impact change around the existing tower ZF325 and requires less change to the original overhead line alignment compared to other options. Crucially, it avoids positioning any new CSEC or terminal tower closer to the Cotswolds National Trail. In addition, this configuration allows the existing suspension tower ZF325 to be reused by connecting with full line tension gantries within the CSEC, avoiding the need for a new larger terminal or angle tower.

7.25 As stated above, NGET gave consideration to the other 5 alternative options as part of its assessment, including South End E. Whilst South End E presented the advantage of positioning the CSEC and terminal tower marginally further from the Cotswolds National Trail (although still visible from the route) than some other options, it was ultimately rejected due to the following significant disadvantages:

- a) Land use: The configuration would require construction across two different land parcels due to tower ZF325 and the CSEC being located in different fields. This would create additional complexity in terms of land acquisition, construction logistics, and ongoing maintenance access.

b) Engineering and construction: The option would necessitate temporary diversions of the Feckenham-Walham circuit and require auxiliary crossarms due to sharp alignment bends, introducing additional technical complexity and construction risks.

7.26 Having regard to these constraints, NGET determined that South End E would introduce unacceptable complications in terms of engineering and construction complexity, land use requirements and health and safety considerations. The marginal improvement in distance from the Cotswolds National Trail was not sufficient to outweigh these disadvantages.

7.27 In contrast, South End F avoids these complications whilst achieving the Project's primary objective of minimising visual impact on the Cotswolds National Trail and surrounding National Landscape. NGET concluded that South End F provides the optimal balance of avoiding unacceptable impacts, ensuring technical feasibility, and maintaining efficient delivery whilst operating within a single land parcel".

10. Lastly under this heading, the objection points out that the chosen cable routes are also unclear (see Figure 3 and para. 10.2.11-12 of the Statement of Reasons) and that further detail is required to properly consider what is being proposed. This is not much improved by Figure 3 in the Statement of Case because there are no colours in the legend and because the dark blue line which is said to represent the "Preferred Route" on Figure 3 in the Statement of Reasons (although it is not clear that it does) no longer appears on Figure 3 in the Statement of Case.

11. The points of objection also emphasise the impacts on the clients' business operations (both organic farming/high-end holiday lets and Corinium Construction Ltd's office/warehouse operations) and environmental concerns about noise, pollution, vibration airborne dust and generated during construction works. In relation to the latter, NG contends that construction impacts will be mitigated by management measures under (Outline) Construction Environmental Management Plans.

12. It is acknowledged that such management measures are commonplace in a project of this sort and that doubts raised about their efficacy would not generally provide a reason on its own for refusing to confirm a compulsory purchase order (but see further below).
13. Where impacts on the businesses are concerned, NG rely on the fact that business losses can be compensated for under compulsory purchase legislation. It is again acknowledged that the confirming Secretary of State can disregard an objection if they are “satisfied that [the] objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed”, see section 13(4) of the Acquisition of Land Act 1981. So, similarly, objections based on concerns that the ultimate amount of compensation do not generally provide a basis for objecting to the confirmation of a CPO (but again see further below).
14. As for the objections to the proposed extent of land take and seeking freehold acquisition when only temporary possession is required, these are responded to by NG saying that they are satisfied as to the extent of the land needed and that they are prepared to offer an undertaking to hand back any land which they no longer require. This is not acceptable to the objectors (see SoC paras. 5.3.1-2). It is be noted that the CPO area for the CSEC on the objectors’ land (permanent acquisition of plot 09-015 (24,487sq metres) is significantly more land than the extent of the planning consent which National Grid have obtained and therefore if, contrary to what follows, the CPO were confirmed, the acquisition of this additional land cannot be justified and should be excluded from the CPO in any event.
15. The points of objection next raise NG’s failure to negotiate and/or to consult/engage as required. NG assert that they have made the requisite efforts. But this is disputed for the reasons set out in the clients’ Statement of Case at paras. 9.1-4 and 14.5.
16. As for the last points of objection, public interest test, Aarhus Convention and Human Rights, these overlap and raise again the issue of the lack of clarity in and justification for the compulsory purchase proposals and all serve to underline the objections set out above. After all, how can compulsory acquisition be justified in the public interest, when proposals which affect the environment do not comply with the principles of transparency in decision making and where it is proposed that human rights should be interfered with without full details of consideration of alternatives which might avoid taking someone’s land?

### Submissions

17. In the case of a linear scheme such as a road or railway or an overhead powerline it can be difficult to argue that it should be diverted to avoid someone's property. It can sometimes be contended that the scheme in question is not needed (or its objectives could be met by another means) or that it will never be delivered because there are doubts about its funding. It can also be established that the project can still be delivered without needing to take an individual parcel of land so that that particular parcel can be excluded from the CPO.
18. However, here no one would question the need for/desirability of the project given the inevitable benefits for the Cotswolds National Landscape which it would bring with it and the availability of funding for it is not in doubt. Similarly, it cannot be said that it does not require necessary ancillary infrastructure in the form of Cable Sealing End Compounds at its termination points and tie-ins to the continuation of the existing overhead power line.
19. But a significant difference between this project and the kind of linear scheme referred to above is that, being an "undergrounding" proposal, there is broad scope for consideration about where it should terminate – and thus achieve NG's project purpose by another means.
20. Here, and as expanded on below, there would be greater environmental/landscape advantage in locating the southern CSEC either at option locations S5 or S6 or at S4 under southern layout option South End E (although no plan of this seem to be before the inquiry).
21. As noted above, NG say that S5 and S6 were not preferred because "fundamental technical challenges" outweighed the "landscape and visual benefit[s]" of the removal of three additional pylons. They say this because of the issues recorded above, namely
  - (1) topographical challenges of cables ascending the escarpment with "significant" engineering difficulties for cable installation and thermal performance;
  - (2) the need for additional crossings of the A40, the (former) railway embankments and the River Chelt, requiring specialised construction techniques with "substantial" technical risk, cost, and programme implications and
  - (3) construction constraints because of the confined nature of the sites and the challenges of delivering and installing large electrical equipment given the limited access creating health and safety risks during construction and issues with maintenance accessibility.

22. The above raises the question of how “significant” or “substantial” these technical issues really are. As set out below, the objectors put NG to proof by requiring them to give details of situations elsewhere where they might have addressed (and indeed overcome) such alleged issues. It is submitted generally that (presumably increased) “cost” should not be an insuperable objection to the alternative (especially if compensation for compulsory purchase could be reduced) and the same applies to mere “programme implications” (presumably (unspecified) “delay”) in implementing NG’s proposals.
23. Where landscape benefits are concerned, the position is actually, and of its nature, straightforward. NG concedes (albeit rather in passing) that option S6 was the “preferred location” for the CSEC in landscape terms, see above. This point emerges from the Cotswolds VIP CSEC Siting Study (December 2021), Document D4 in the document library on the project website, see “ranking” table on page 14.
24. This fact is seemingly nowhere mentioned in any other document before the inquiry. Likewise, it was evidently not put before Cotswold District Council when they were asked to grant planning permission for CSEC option S2. Local planning authorities do not invariably have to consider alternatives in granting planning permission. But CDC might well have taken a different view of the merits of option S2 if they had been aware that there were other locations for the southern CSEC (and/or layout South End E) which were preferable in landscape impact terms. It can also be assumed that CDC would have granted planning permission for option S6/layout South End E if they had been before them.
25. It is to be noted, however, that the Siting Study Doc. D4 ranks option S5 which the objectors’ have commended as an alternative as the least preferred, see page 16, citing amongst other things the proximity of residential property “with close up views” and the restaurant (despite what the owner might say as to his lack of concern) as objections to it.
26. On the other hand, the Siting Study (D4) ranks option S4 as equal second preference (along with S3), see page 14, above option S2 (ranked equally in third place with S1), see page 15. This is also significantly relevant to the objectors’ objection as noted above.
27. The assessment of option S4 says this:



“This Siting Zone avoids areas of local amenity value (Horlock Rule 3); although Dowdeswell Wood (Ancient Replanted Woodland) lies immediately south east. The overhead line influences the landscape in the vicinity of this Siting Zone; however, there is not a tower within the site itself. Although a new CSEC would intensify the influence of detractors in this locality this may be outweighed by the removal of a section of overhead line to the north.

This Siting Zone takes advantage of some screening provided by existing woodland, trees and hedgerows (Horlock Rule 4). During construction and at year 1 there would inevitably be effects on users of the local right of way, which runs immediately west of the site and which is used for access to Upper Colgate Farm. There would also be filtered views from a small section of the Cotswold Way National Trail; however, there is opportunity to mitigate visual impacts in the longer term (Horlock Rule 5), particularly in relation to extending woodland planting which could tie in with Dowdeswell Wood”.

28. This is to be contrasted with what is said about option S2 (the CPO location) as follows:

“This Siting Zone avoids areas of local amenity value although there is a Scheduled Monument approximately 340m to the north west (Horlock Rule 3). The landscape of this Siting Zone is influenced by the overhead line in the south but less so in the north. One tower is located in the far south of the site. A new CSEC would spread the influence of detractors in this locality if sited in the north of the site although this may be outweighed to some degree by the removal of overhead line to the north.

In terms of the Siting Zones considered in the Southern CSEC Search Area, S2 is one of the most elevated. As such, there is slightly less opportunity to take advantage of screening provided by landform and existing tree cover than the other sites considered (Horlock Rule 4). In terms of close up views, Middle and Upper Colgate Farm are directly south of the site, although existing vegetation may filter views from the properties themselves (Horlock Rule 5). The access road to Middle Colgate Farm forms part of the western boundary of the site and has filtered views of the site. The access to Upper Colgate Farm, also a local right of way, forms part of the eastern boundary and has open views of the site. The Cotswold Way National Trail runs along the entire length of the western site boundary from which there are frequent open views. During construction and at year 1 there would inevitably be notable effects on users of the Cotswold Way National Trail. There may be opportunity to mitigate visual impacts in

the longer term; however, this may be challenging in terms ensuring that mitigation measures in the form of planting and/or mounding do not conflict with the elevated and more open nature of this part of the High Wold Plateau”.

29. The description of option S6 (ranked on its own as first preference) is as follows:

“This Siting Zone avoids areas of local amenity value (Horlock Rule 3). The A40 to some degree, the overhead line and the former railway embankment already influence the landscape in the vicinity of this Siting Zone; however, there is not a tower within the site itself. Although a new CSEC would intensify the influence of detractors in this locality this may be outweighed by the removal of a longer section of overhead line to the north.

This Siting Zone takes advantage of screening provided by landform and existing woodland, trees and hedgerows (Horlock Rule 4). During construction and at year 1 there would inevitably be effects on people living in the community (one property approximately 60m to the north and another approximately 130m to the west); however, there is opportunity to mitigate visual impacts in the longer term (Horlock Rule 5)”.

30. It follows that while option S5 might be regarded as less favourable as an alternative in landscape terms, option S6 and layout South End E are clearly preferable to the CPO option S2 and should be/have been subject to much closer consideration as alternatives to it.

31. Layout South End E which, so far as can be discerned from the description of it (and without a plan) is within or adjacent to siting option S4 and involves “[a] terminal tower positioned ahead of ZF324 close to Ham Road on the existing alignment. The CSEC position is set on the opposite side of the local access road. Due to the sharp bend of the alignment terminal tower has auxiliary crossarm. Temporary diversion of the Feckenham Walham circuit is required to erect the terminal tower”, see para. 7.21(e) of NG’s Statement of Case.

32. As set out above, NG says that there are two specific reasons why layout South End E was not preferred, namely (1) land use issues with construction across two different land parcels resulting in “additional complexity in terms of land acquisition, construction logistics, and ongoing maintenance access” and (2) engineering and construction of temporary circuit diversions and “auxiliary crossarms due to sharp alignment bends, introducing additional technical complexity and construction risks”.

33. The objectors respectfully submit that NG's proposals should be revised so that they terminate either (1) at option S6 (or S5 but see above) or (2) with layout South End E at option S4, in either case excluding the objectors' land from the CPO and achieving greater landscape and other benefits compared with NG's preferred scheme.
34. The objectors put NG to proof as to the allegedly countervailing technical issues with continuing with undergrounding to option S6. Despite what is said in para. 7.16 of NG's Statement of Case to the effect that this would involve "topographical challenges... in ascend[ing] approximately 60-80 metres up the escarpment... present[ing] significant engineering difficulties for cable installation and long-term thermal performance" these are not evidently insurmountable technical issues and must be weighed transparently against the environmental/landscape benefits which NG concede and which are demonstrably reinforced by the Siting Study D4 (and NB no such "challenge" is mentioned in relation to the incline at northern end where the route descends/ascends to/from Postlip Mills).
35. As stated in the objectors' objection and Statement of Case, the process undertaken by NG in deciding between the various options is wholly "opaque". There is no published document recording any exercise of "weighting" the various factors involved.
36. The objectors require NG to disclose any such document if it exists (and should in fairness be entitled to comment on it) and to state when in the process it was actually produced, ie before or after the decision on the preferred option S2 was made.
37. If such a document does not exist, then it is submitted that that undermines NG's purported selection process, both as to robustness and transparency, and cannot be accorded weight if provided as a "justification" after the event in evidence to the inquiry.
38. The objectors also require NG to provide examples of situations (which presumably exist) in which undergrounding up/down an incline has either been achieved or not achieved and, in either case (and in any event) the extent/severity of any alleged engineering "difficulties for cable installation and long-term thermal performance" encountered. Again, in fairness, the objectors should be given the opportunity of commenting on these when produced.

39. The objectors repeat the same comments and requests in relation to situations where NG has achieved or not achieved crossings/undergrounding under roads, dismantled railways and rivers involving “specialised construction techniques such as horizontal directional drilling” and the extent and severity of “technical risk, cost and programme implications”.
40. The objectors again repeat the same comments and requests in relation to the alleged “extreme challenges” arising from “construction constraints... severely restrict[ed] construction access and working space... [and] health and safety risks during construction and... concerns about long-term maintenance accessibility”.
41. In any event, and even without seeing any documents or evidence relating to the above, the objectors submit that NG has demonstrably failed to strike the “optimal balance” (contrast para. 7.18 of NG’s Statement of Case) having regard to the Siting Study’s clear conclusions as to preferred options in landscape terms.
42. This point has a special significance in the context of the “strengthened” duty (as so described in New Forest NPA v. Secretary of State [2025] EWHC 726 (Admin) at [58]) under section 245 of the Levelling-up and Regeneration Act 2023/section 85(A1) of the Countryside and Rights of Way Act 2000 to “seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty [/National Landscape]”. It is to be noted this duty applies equally to NG as it does to the Secretary of State, see section 85(2).
43. The objectors similarly put NG to proof as to their reasons for rejecting layout South End E on alleged grounds of “significant disadvantages” in relation to issues concerning “land use... creat[ing] additional complexity in terms of land acquisition, construction logistics, and ongoing maintenance access” and “engineering and construction...necessitat[ing] temporary diversions... and requir[ing] auxiliary crossarms... introducing additional technical complexity and construction risks”, see para. 7.25 of NG’s Statement of Case.
44. The objectors again require NG to produce all relevant plans and documents which informed NG’s choice of layout South End F in preference to South End E and any document recording an exercise of “weighting” the various factors involved and again request the opportunity of commenting on these.

45. The objectors repeat the submission that the above issues (and any others raised in paras. 7.24-7.26 and Appendix 2 of NG's Statement of Case including "oversailing creating additional health and safety risks") are not evidently insurmountable and must be weighed transparently against the environmental/landscape benefits which are also demonstrably reinforced by the Siting Study D4 given the ranking of option S4 in the Siting Study (D4).
46. The objectors again submit, and even without seeing any documents or purported justification relating to the above, that NG has demonstrably failed to strike the "optimal balance" (contrast para. 7.27 of NG's Statement of Case) having regard once again to the Siting Study's clear conclusions as to preferred options in landscape terms.

### Conclusion

47. In the light of the above, the objectors submit that, contrary to the requirements of the Secretary of State's Guidance, NG has failed to establish a "compelling case in the public interest" for acquisition of the objectors' land. This is compounded by NG's failure to evidence or justify the process of consideration of alternatives, ie "whether the purpose for which [NG] is proposing to acquire the land could be achieved by any other means", especially where the landscape merits of those alternatives are concerned as set out above. It is also underlined by what the objectors maintain was an inadequate process of "engagement" and "negotiation"\* with them, requiring transparent decision making and appropriate access to information in accordance with the Aarhus convention, which could and should have resulted in closer consideration of those alternatives. It follows that that failure, and the necessary resultant inadequacy of consideration of alternatives, involves an unjustified interference with the objectors' human rights (both as landowners and business owners) which cannot simply, let alone justly, be remedied by the payment of compulsory purchase compensation.
48. The Inspector is therefore respectfully requested to recommend that the CPO should not be confirmed so as to authorise the compulsory acquisition of the objectors' land.

MEYRIC LEWIS KC  
Francis Taylor Building  
Temple London EC4Y 7BY

23 October 2025