

PROJECT EVIDENCE - APPENDICES

24 JULY 2026

**THE NATIONAL GRID ELECTRICITY TRANSMISSION (WEST BURTON TO RATCLIFFE-ON-SOAR REFURBISHMENT PROJECT)
COMPULSORY PURCHASE ORDER 2026**

STATEMENT OF EVIDENCE - APPENDICES

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NATIONAL GRID ELECTRICITY TRANSMISSION PLC

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THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (WEST BURTON TO RATCLIFFE-ON-SOAR REFURBISHMENT PROJECT) COMPULSORY PURCHASE ORDER 2026 ("THE ORDER")

APPLICATIONS FOR CONSENT PURSUANT TO PARAGRAPH 2, SCHEDULE 3, ELECTRICITY ACT 1989

1. CONTEXT

- 1.1 This note sets out the requirement pursuant to Schedule 3 to the Electricity Act 1989 ("**the Act**") for National Grid Electricity Transmission plc ("**NGET**") to seek the consent of the Gas and Electricity Markets Authority ("**GEMA**") in connection with the Order. The note sets out the steps NGET has taken to comply with the provisions of Schedule 3 of the Act in relation to GEMA, including requests made to the Secretary of State for Energy Security and Net Zero ("**the Secretary of State**") asking the Secretary of State to seek the consent of the GEMA on behalf of NGET.

2. PROVISIONS OF THE ELECTRICITY ACT 1989

- 2.1 Paragraph 2 of Schedule 3 of the Act provides that:

(1) No order shall be made under paragraph 1 above authorising the compulsory purchase of land belonging to another licence holder except with the consent of the Authority.

(2) The Authority shall not give their consent under this paragraph if—

(a) the land is being used by the licence holder to whom it belongs for the purposes of an installation necessary for the carrying on of the activities which he is authorised by his licence to carry on; or

(b) it appears to the Authority that the land will be so used and that the use will commence, or any necessary planning permission or consent under section 36 or 37 of this Act will be applied for, within the period of five years beginning with the date of the application for his consent.

- 2.2 Paragraph 1(2) of Schedule 3 of the Act provides that for the purposes of paragraph 2 (set out above):

"land" includes any right over land (other than, in Scotland, a right to abstract, divert and use water);

3. APPLICATIONS MADE SEEKING GEMA'S CONSENT

- 3.1 Pursuant to the above provisions of the Act, NGET has made two applications, asking the Secretary of State to seek the consent of GEMA as follows:

3.1.1 Application dated 15 May 2026 in relation to non-operational land owned by EDF Energy (Thermal Generation) Limited ("**EDF Application**") (Core Document C07); and

3.1.2 Application dated 12 June 2026 in relation to non-operational land owned by Uniper UK Limited ("**Uniper Application**") (at Annexure 1 to this note).

- 3.2 In each case the application sets out and describes (1) the relevant plots of the Order for which GEMA's consent is sought (the "**Land**"), (2) the interests held in those plots by EDF Energy or Uniper (as appropriate), and (3) the rights sought over the Land in the CPO.

- 3.3 In relation to EDF Energy, NGET has reached agreement as to the rights required in its Land (as well as its operational land within the Order land). The compulsory acquisition



powers in the Order are sought in respect of the land in question to secure the necessary rights over the Land, including as against other interests subsisting in it.

- 3.4 The Land in the ownership of EDF Energy and which is the subject of the EDF Application is outside the extent of EDF Energy's operational land and is comprised of agricultural fields adjoining the operational land, meaning that the Land is not used for the purposes of an installation necessary for the carrying on of the activities which EDF Energy is authorised by its licence to carry on.
- 3.5 In relation to Uniper, and as set out in the Uniper Application, NGET has reached agreement with Uniper as to the rights required in its Land (as well as its operational land within the Order land). The compulsory acquisition powers in the Order are sought in respect of the land in question to secure the necessary rights over the Land, including as against other interests subsisting in it.
- 3.6 The Land in the ownership of Uniper and the subject of the Uniper Application is outside the extent of Uniper's operational land and is comprised of agricultural fields adjoining the operational land, with some areas of vegetation and public highway and highway verge, meaning that the Land is not used for the purposes of an installation necessary for the carrying on of the activities which Uniper is authorised by its licence to carry on.
- 3.7 In both cases, whilst paragraph 2(1) of Schedule 3 to the Act applies to the acquisition of rights in the Land the subject of the EDF and Uniper Applications, paragraph 2(2)(a) of Schedule 3 to the Act does not apply because the land is not held by EDF Energy or Uniper for the purposes of an installation necessary for the carrying on of the activities which it is authorised by its licence to carry on. Further to this, paragraph 2(2)(b) of Schedule 3 to the Act does not apply as it does not appear that the land will be so used, or that the use will commence, or any necessary planning permission or consent under s36 or s37 of the Act will be applied for, within the period of five years beginning with the date of this application for consent.

4. **MODIFICATIONS TO THE CPO**

- 4.1 As explained in both the EDF and Uniper Applications, at the point of making the Order, land held by licence holders was identified and included in the Order, pending further discussion to confirm the operational status of that land. NGET has subsequently identified that land is included in the Order that is operational land owned by licence holders, such that the land is not able to be the subject of compulsory acquisition powers in any confirmed Order due to the operation of paragraph 2(2)(a) of Schedule 3 of the Act. As a result, NGET will shortly be submitting a list of proposed modifications to the Order so that the Order would not authorise the compulsory acquisition of interests in land held by these licence holders in the identified plots:
 - 4.1.1 National Grid Electricity Distribution (East Midlands) plc: plots 11-36, 48-19, 48-30;
 - 4.1.2 EDF Energy (Thermal Generation) Limited: 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-10, 1-25, 1-26, 5-12, 5-14, 5-17, 5-18, 5-21, 5-23, 5-25, 6-2;
 - 4.1.3 Uniper UK Limited: 5-5, 56-22, 56-24, 56-25, 56-26, 56-27; and
 - 4.1.4 Advanced Electricity Networks Limited: 41-4.



- 4.2 There are other interests in the Order land held by licence holders for which GEMA consent is not sought and no modification is proposed. This relates to licence holders who hold rights in the Order land (for example, option agreements for lease, compulsory purchase powers pursuant to a development consent order, existing easements or other rights). The Order does not propose to acquire or interfere with those interests and so GEMA consent is not required on that basis. NGET is in discussions with licence holders regarding the interface between the Order and their interests.

Herbert Smith Freehills Kramer LLP

24 July 2026



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Annexure 1 – Uniper GEMA Application



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For the attention of Mr John McKenna
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Our ref
5567/62987/31068983

Date
12 June 2026

Dear John

The National Grid Electricity Transmission plc (West Burton to Ratcliffe-On-Soar Refurbishment Project) Compulsory Purchase Order 2026 ("the Order")

Second Application for consent pursuant to paragraph 2, Schedule 3, Electricity Act 1989

Following our request to the Secretary of State for Energy Security and Net Zero ("**the Secretary of State**") for confirmation of the Order, we ask the Secretary of State to seek the consent of the Gas and Electricity Markets Authority ("**GEMA**") on behalf of our client, National Grid Electricity Transmission plc ("**NGET**"), to the confirming of the Order under paragraph 2 of Schedule 3 to the Electricity Act 1989 ("**the Act**"). This application is in addition to the application for GEMA consent made on 15 May 2026.

1. PROVISIONS OF THE ELECTRICITY ACT 1989

1.1 Paragraph 2 of Schedule 3 of the Act provides that:

- (1) No order shall be made under paragraph 1 above authorising the compulsory purchase of land belonging to another licence holder except with the consent of the Authority.*
- (2) The Authority shall not give their consent under this paragraph if—*
 - (a) the land is being used by the licence holder to whom it belongs for the purposes of an installation necessary for the carrying on of the activities which he is authorised by his licence to carry on; or*
 - (b) it appears to the Authority that the land will be so used and that the use will commence, or any necessary planning permission or consent under section 36 or 37 of this Act will be applied for, within the period of five years beginning with the date of the application for his consent.*

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2. **DETAILS OF THE RELEVANT LAND FOR WHICH GEMA'S CONSENT IS SOUGHT**

- 2.1 The land for which GEMA's consent is sought is included within plots 56-6, 56-7, 56-8, 56-9, 56-10, 56-12, 56-13, 56-14, 56-15, 56-16, 56-17, 56-18 ("**the Land**") of the Order and is land owned by Uniper UK Limited ("**Uniper**"). This land is described as follows:

56-6	approximately 21 square metres of public highway verge (West Leake Lane), Ratcliffe on Soar, Rushcliffe
56-7	approximately 26399 square metres of agricultural fields, public footpath (Ratcliffe On Soar FP3), pylon, overhead lines, private track, hedgerow, trees and shrubbery; north of Winking Hill Ash Disposal Site and south of Winking Hill Farm, Ratcliffe on Soar, Rushcliffe
56-8	approximately 112 square metres of trees and shrubbery; south of Remembrance Way, A453 and west of Winking Hill
56-9	approximately 39 square metres of public highway verge (West Leake Lane), Ratcliffe on Soar, Rushcliffe Farm, Ratcliffe on Soar, Rushcliffe
56-10	approximately 390 square metres of public highway (West Leake Lane), public footpath (Ratcliffe On Soar FP3), verges, overhead lines and accessways, Ratcliffe on Soar, Rushcliffe
56-12	approximately 2291 square metres of agricultural field; north of Kingston Spinney and south-west of Winking Hill Farm, Ratcliffe on Soar, Rushcliffe
56-13	approximately 3032 square metres of agricultural field, hedgerows and overhead lines; north of Winking Hill Ash Disposal Site and south of Winking Hill Farm, Ratcliffe on Soar, Rushcliffe
56-14	approximately 218 square metres of agricultural fields; north of Winking Hill Ash Disposal Site and south of Winking Hill Farm, Ratcliffe on Soar, Rushcliffe
56-15	approximately 19263 square metres of agricultural fields, public footpath (Ratcliffe On Soar FP3), pylon, overhead lines, private track, drains, hedgerow, trees and shrubbery; north of Winking Hill Ash Disposal Site and south of Winking Hill Farm, Ratcliffe on Soar, Rushcliffe
56-16	approximately 1624 square metres of agricultural fields, hedgerow, trees and shrubbery; north of Winking Hall Ash Disposal Site and south-west of Winking Hill Farm, Ratcliffe on Soar, Rushcliffe
56-17	approximately 856 square metres of public highway (Remembrance Way, A453), overhead lines, balancing pond and verge, Ratcliffe on Soar, Rushcliffe
56-18	approximately 411 square metres of public highway (Remembrance Way, A453), overhead lines and verge, Ratcliffe on Soar, Rushcliffe



3. **DETAILS OF THE INTERESTS WHICH ARE SOUGHT OVER THE LAND IN THE ORDER**

3.1 Rights sought over the Land are as follows:

56-6	Overhead Line Rights and Oversail Rights
56-7	Overhead Line Rights and Oversail Rights
56-8	Overhead Line Rights and Oversail Rights
56-9	Overhead Line Rights and Oversail Rights
56-10	Overhead Line Rights and Oversail Rights
56-12	Access Rights
56-13	Overhead Line Rights and Oversail Rights
56-14	Access Rights
56-15	Overhead Line Rights and Oversail Rights
56-16	Access Rights
56-17	Overhead Line Rights and Oversail Rights
56-18	Overhead Line Rights and Oversail Rights

3.2 The above rights are described in the Order as set out in the table below. In this table and in the Order, the following terms have the following meaning:

3.2.2 **“electric cables”** means the underground cables (including wires, earth wires, fibre optic cables and other communication cables, pipes, coatings and ducts), connections, cable draw pits, cable joints, cable marker posts, cable terminals, earth bonding and tape, drains, culverts, fibre optic pits, inspection boxes, trenches, marking bands, protective boards or tiles, jointing pits, link boxes, link pillars, manholes, monitoring equipment, apparatus, conductors, supports, plant, equipment, pillars, warning tape, sheaths for transmitting and/or distributing electricity at such voltage as the Acquiring Authority or other licenced operators may from time to time require for the purposes of its or their operations together with other underground or overground equipment and apparatus associated with or ancillary to such underground cables.

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



same and any ancillary equipment and apparatus associated with or ancillary to such electric lines and conductors.

Overhead Line Rights	All rights necessary at all times for the purposes of or incidental to the construction, installation, upgrading, retention, commissioning, use, operation, protection, maintenance, surveying, testing, inspecting, alter, repair, modify, renewal, replacement, removal and decommissioning of the electric lines and associated infrastructure including to: (a) take all necessary rights of support for the electric lines; (b) test and commission the electric lines and to remedy initial faults and defects in them at any time; (c) install, use, maintain, repair, reinstate and remove protection measures for third party structures/assets, including scaffolding; (d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); (e) prevent or restrict access to the land and adjoining land while works are being carried out; (f) carry out archaeological works, replanting and replacement of landscaping, environmental and/or ecological mitigation and create, use, maintain, inspect and remove ecological mitigation measures; (g) carry out works required by the contractor by licences or consents or permitted by a planning permission and/or consent or licences; (h) erect and remove fencing; (i) erect hoardings or signage or otherwise secure a works compound or working area; (j) store and stockpile and where necessary use, manage and process plant, machinery, apparatus, and materials (including excavated material) and/or equipment; (k) enter, oversail and remain on the land and adjoining land with or without vehicles, personnel, plant, machinery, apparatus, equipment and materials for such purposes including the parking of any vehicles and machinery; (l) construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; (m) carry out de-watering and drainage works and install, alter, use, maintain, reinstate or remove land drainage systems; (n) discharge water into existing drains and watercourses;
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	(o) protect and prevent damage to or interference with the operation and maintenance of any de-watering and/or drainage works; (p) protect and prevent damage to or interference with the operation and maintenance of the electric lines and construction of the same; fell, trim or lop trees, shrubs, hedges, bushes, crops and other vegetation and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Overhead Line Rights or access to the electric lines; (q) erect, create, use and remove a works compound which may include hardstanding, portable cabins and offices, security measures, parking of vehicles and welfare facilities including portable toilets and electricity generators; (r) install, use and remove artificial lighting; (s) install, use, alter, divert and remove services and utilities; (t) prevent changes to the use, or level of the surface of, the land or any other works or excavations which may endanger the stability, safety and integrity of the electric lines and the associated infrastructure or the exercise of these Overhead Line Rights; (u) make good any damage caused in connection with the exercise of these Overhead Line Rights; (v) carry out incidental works to allow safe access to the electric lines such as vegetation clearance and bird nest removal; (w) apply a temporary electricity earthing system to electric lines; (x) replace permanent Colour Plates on electric lines; and (y) carry out any activities ancillary or incidental thereto. and rights to prevent and remove any use of the land or works, goods, materials, buildings, structures, plant, equipment, machinery or other items which may damage, cause injury to or interfere with the electric lines or obstruct such access or the exercise of these Overhead Line Rights.
Oversail Rights	All rights necessary at all times with plant and equipment from the air to oversail the land with electric lines and associated infrastructure associated with the exercise of the Overhead Line Rights, Construction Compound Rights and Access Rights including rights to: (a) fly a small uncrewed aircraft over the land for the purpose of carrying out inspections of the electric lines which are at ground level or above and to acquire data in respect of the land during the flight provided that the acquiring authority is to act in compliance with Civil Aviation Authority guidance as may be in place for such use from time to time; (b) enter any part of the land to retrieve and recover any small, unmanned aircraft;



	(c) protect and prevent damage to or interference with the operation and maintenance of the electric lines and construction of the same; (d) to use the electric lines; (e) make good any damage caused in connection with the exercise of these Oversail Rights; and (f) carry out any activities ancillary or incidental thereto
Access Rights	All rights necessary to access the land and adjoining land for the purposes of the construction, installation, upgrading, retention, commissioning, use, operation, protection, maintenance, surveying, testing, inspecting, alter, repair, modify, renewal, replacement, removal, decommissioning and oversail of the electric lines and electric cables , with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel, including to: (a) establish, use and remove works compounds; (b) park any vehicles and machinery on the land; (c) carry out de-watering and drainage works and installing, altering, using, maintaining, removing or reinstating land drainage systems; (d) carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities and erecting and removing of any necessary fencing, safety and security measures; (e) use horizontal direction drilling, where appropriate, for the installation of electric cables; (f) fell, trim or lop trees, shrubs, hedges bushes, crops and other vegetation and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Access Rights; (g) carry out replanting and replacement of landscaping, ecological and/or environmental measures; (h) make good any damage caused in connection with the exercise of these Access Rights; and (i) carry out any activities ancillary or incidental thereto. and rights to prevent and remove any use of the land or works, goods, materials, buildings, structures, plant, equipment, machinery or other items which may damage, cause injury to or interfere with the electric lines or electric cables or obstruct such access or the exercise of these Access Rights.



4. **DISCUSSIONS TO DATE WITH THE LICENCE HOLDER**

- 4.1 NGET has reached agreement with Uniper as to the rights required in its Land (as well as its operational land within the Order land). The compulsory acquisition powers in the Order are sought in respect of the Land in order to secure the necessary rights over the Land, including as against other interests subsisting in it.
- 4.2 The Land in the ownership of Uniper is outside the extent of Uniper's operational land and is comprised of agricultural fields adjoining the operational land, with some areas of vegetation and public highway and highway verge.

5. **CONCLUSIONS**

- 5.1 Whilst paragraph 2(1) of Schedule 3 to the Act applies to the acquisition of rights in the Land over which Uniper has freehold interests, paragraph 2(2)(a) of Schedule 3 to the Act does not apply because the land is not held by Uniper for the purposes of an installation necessary for the carrying on of the activities which it is authorised by its licence to carry on. Further to this, paragraph 2(2)(b) of Schedule 3 to the Act does not apply as it does not appear that the land will be so used, or that the use will commence, or any necessary planning permission or consent under s36 or s37 of the Act will be applied for, within the period of five years beginning with the date of this application for consent.
- 5.2 At the point of making the Order, land held by licence holders was identified and included in the Order, pending further discussion to confirm the operational status of that land. NGET has subsequently identified that land is included in the Order that is either operational and/or for which agreement has now been reached, such that the land is not intended to be the subject of compulsory acquisition powers in any confirmed Order. In these instances NGET intends to modify the Order so that the Order would not authorise the compulsory acquisition of interests in that land. It is further noted that other interests held by licence holders that are included in the Order are not included in this application. This is because the Order does not propose to acquire those interests and so GEMA consent is not considered to be required on that basis. In most cases NGET is in discussions with those licence holders regarding the interface between the Order and their interests.
- 5.3 The Secretary of State is therefore asked to request the consent of GEMA to the confirmation of the Order under paragraph 2 of Schedule 3 of the Act.
- 5.4 The Order, Order Maps and Statement of Reasons are available online here: <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects/west-burton-to-ratcliffe-on-soar> however, please let us know if documents are needed in an alternate format.

If GEMA requires any additional information to allow it to reach a decision, please contact **Alexis Coleman** (Alexis.Coleman@hsf.com, T +44 2036 926 883).

Yours faithfully,

Herbert Smith Freehills Kramer LLP

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