

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

OPENING STATEMENT ON BEHALF OF
THE ACQUIRING AUTHORITY

Introduction

1. This is an Inquiry into the case for confirmation of the National Grid Electricity Transmission Plc (West Burton to Ratcliffe-On-Soar Refurbishment Project) Compulsory Purchase Order 2026 ('the Order') (**C01**). The Order was made by the Acquiring Authority, National Grid Electricity Transmission Plc ('NGET') pursuant to the powers contained in section 10 and Schedule 3, para.1 of the Electricity Act 1989 ('the 1989 Act') (**A04**). If confirmed, the Order will authorise NGET to acquire land and rights required to deliver the refurbishment and uprating of more than 100km of transmission network infrastructure between West Burton and Ratcliffe-on-Soar substations ('the WRRE Project') and Cottam and Staythorpe substations ('the SCRE Project') (together, 'the Project').
2. Pursuant to both the 1989 Act and Government policy as set out in the Government's *Guidance on Compulsory purchase process* (June 2026) ('the Guidance') (**B18**), NGET is required to demonstrate to the Secretary of State and his Inspector that:
 - a. the confirmation of the Order is required for a purpose connected with the carrying on of the activities which NGET is authorised by its licence to carry on, in accordance with the statutory test contained in Schedule 3, para. 1 of the 1989 Act; and

- b. that there is a compelling case in the public interest, justifying the interference with private property rights to which the Order would give rise.
3. Following the making of the Order on 12 February 2026, NGET received 23 objections from parties within an interest in the Order Land or whom might be entitled to make a relevant claim if the Order is confirmed ('qualifying persons').
4. In the period that has followed, the objections of 12 of those parties have been resolved and their objections have been withdrawn.¹ NGET anticipates further objections being withdrawn in the coming days and weeks, as outlined later in these submissions. Of the objections that remain at large, none has been supported by any written evidence and it is understood that no objector intends to appear.
5. In the days leading up to the Inquiry, the Inspectorate and NGET have been notified of two representations made in respect of the proposed Section 19 Certificate in respect of common land. NGET has been advised that these are being treated by the Inspector as objections to the Order, albeit that the representation made by Nottinghamshire County Council ('NCC') does not in fact contain any objection to the Order (and in fact expressly states that NCC "*do not object to the proposed compulsory purchase of Sparrow Lane*"). We touch on the applications for Section 19 Certificates later in these submissions.
6. A summary of the nature of the remaining objectors' concerns, and NGET's response to them, is provided further below. A fuller update on progress with negotiations (including with remaining landowners who have not objected to the Order) will also be given by NGET during the Inquiry, through the evidence of Mr Harper.

Statutory formalities

7. The Inquiry was notified to the public by way of site notices on 3 August 2026, erected in the same locations as site notices of making of the Order (to be supplied). Objectors

¹ Withdrawals from: OBJ15 Headland; OBJ13 Cottam Solar; OBJ8 East Mids Transport Heritage Trust; OBJ5 Beardsley; OBJ6 Levell; OBJ17 Darlay; OBJ4 Dunthorne; OBJ16 Spink; OBJ9 RES; OBJ20 Tillbridge; OBJ22 Tribus; OBJ14 West Burton. There has also been a partial withdrawal from OBJ10 Crow Farming.

were contacted with copies of the evidence on 27 July 2026. The necessary statutory formalities have therefore been complied with.

8. Following the notification of the Inquiry to members of the public, NGET has not been made aware of any third party wishing to attend or participate in it.

The case for the Order in a nutshell

9. It is assumed that most, if not all, of those attending the Inquiry will be familiar with NGET's Statement of Reasons **(C03)**, Statement of Case **(C08)** and Evidence **(F01 – F10)**. As such, what follows is a high-level summary of that case.
10. As already noted, NGET's power to make the Order derives from section 10 and Schedule 3 para. 1 to the 1989 Act. That paragraph provides that NGET may only be authorised to compulsorily acquire land and new rights in land, where the land or rights are required for any purpose connected with the carrying on of the activities which it is authorised by his licence to carry on. This is the only statutory test that the Secretary of State is required to be satisfied NGET has met before confirming the Order.
11. In the present case, NGET is the holder of an electricity transmission licence granted under section 6(1)(b) of the 1989 Act. It owns the high voltage electricity transmission network in England and Wales and operates the transmission system across Great Britain. Section 9(2) of the 1989 Act charges the holder of a transmission licence with the duty *"to develop and maintain an efficient, coordinated and economical system of electricity transmission"*. The Project is fundamentally one about ensuring the efficacy and maintenance of the system of electricity transmission in the area in which it is situated, as explained later in these submissions, and the land rights sought are required to enable its delivery and long-term maintenance. The statutory test is therefore satisfied.
12. In addition to satisfying the statutory test, NGET is required to demonstrate a compelling case in the public interest if it is to justify confirmation of the Order.

13. In the present case, it will be shown by Ms Evans (**F02**) that the Project is necessitated by the need to undertake reinforcements to the transmission network within the Order Land, without which there would be constraints in the movement of power across the network and limitations upon the ability of the system to accommodate future electricity generation and demand.

14. In particular, it will be explained that the National Energy System Operator ('NESO') is now forecasting considerable increases in the amount of electricity that will be required to be transferred around the country over the coming decades, and that the affected circuits currently restrict the amount of electricity that can be transferred from areas of generation in the north of England and Scotland, to areas of demand further south. Going forward, if left unaddressed, this would impact upon the efficient transportation of renewable electricity and give rise to higher system costs, reduced network efficiency and impacts on consumers. The Inspector may recall that only last week constraints costs associated with restricted transmission network capacity made headline news when NESO confirmed that constraint payments (payments made to generators to cease generation where there is insufficient capacity in the network to receive the power they produce) for 2025 had exceeded £1bn.

15. Additionally, the Project is required to facilitate:

- a. multiple contracted customer connections, comprising of major electricity generation, storage and demand projects within the local area; and
- b. the delivery of other Accelerated Strategic Transmission Investment ('ASTI') projects, including the nationally significant Chesterfield to High Marnham upgrade project (a 275kV to 400kV uprating scheme).

16. In this way, it will be appreciated that the Project is of critical importance to supporting the delivery of the Government's Clean Power agenda and legally binding Net Zero requirements.

17. What is also notable about the Project is that it is able to deliver the abovementioned capacity and customer connection through the efficient use of existing assets. This

reduces environmental effects, costs and land take compared with the construction of new infrastructure, and directly supports NGET's fulfilment of its licence obligations in respect of the operation of an efficient and economic system, to the benefit of consumers.

18. The consequence of the delivery of the Project will therefore be the realisation of a number of very significant public benefits, namely increased transmission capacity; reduced network constraint and associated cost; supporting Clean Power and Net Zero; enabling committed and future customer connections; facilitating other strategic projects; improved reliability and asset resilience and making efficient use of existing infrastructure.

19. No objector to the Order disputes the need for, or benefits of, the Project, even where they dispute the need for the Order, and it is this package of need and benefits that forms the backbone of the compelling case.

20. Given the critical need for additional network capacity in this location, doing nothing is not an option. A number of alternatives have however been considered by NGET prior to it concluding that it should proceed with the Project, with a view to minimising the level of compulsory acquisition required whilst also remedying the deficiencies identified with the existing network. Ultimately, as Ms Evans explains in her Proof **(F02)**, and will elaborate in her oral evidence, none of the alternative options identified were appropriate solutions. Again, no objector to the Order suggests that there is an alternative to the Project, with a number expressly recognising its importance, and the only dispute being in respect of the nature of the rights sought for the purpose of delivery.

21. In terms of the land and rights sought to enable delivery of the Project, NGET has sought to minimise the interference with private land rights in several ways. First, it has minimised the amount of freehold land it is proposing to acquire. In essence, freehold acquisition is being limited to a small number of plots where it will be required to deliver asset protection works (to address electrical risks arising in respect of

distribution infrastructure), in the event that voluntary acquisition by National Grid Electricity Distribution Plc ('NGED') fails and where there is no alternative mechanical solution that NGET is able to employ within the proposed OHL rights corridors already included within the Order.

22. Second, it has sought to identify 'packages' of rights required for the execution and long-term maintenance of the Project, and to only seek the minimum package(s) required in respect of individual plots. Thirdly, it has sought to reach voluntary agreements with affected landowners, including making provision for co-operation and co-ordinated working where a risk of potential interference with those landowners' regular or proposed use of the Order Land.

23. Further detail on the accommodations reached with remaining objectors to the Order will be given by Mr Harper. It is however worth recalling that, even where no formal agreement co-operation or other agreement exists, NGET is a frequent beneficiary of compulsory powers. It does not take their exercise lightly, knowing that it needs to develop and maintain long-term relationships with its landowners, and it can be trusted to act responsibly in so doing.

24. NGET has made good progress in assembling the land rights required for the delivery of the Project by agreement, with c.45 (>84) of the 214 easements required either completed or agreed. A fuller update will be given by Mr Harper in evidence.

25. It does however remain the case that discussions are not progressing with some of the affected landowners, who have indicated that they are unwilling to grant the rights sought. Other agreements are also sat with third parties awaiting progression. For those reasons, it remains imperative that the Order is confirmed to ensure the timely delivery of the Project and its benefits.

26. Subject to confirmation of the Order, there are no other impediments to delivery of the Project. NGET has committed the relevant funding; contracts are in place for the carrying out of the works; and, as explained in the evidence of Mr Jarvis (**F05**), no

express planning permission is required given that some of the works do not comprise development and others are able to be carried out pursuant to NGET's permitted development rights. None of these matters are (or ever have been) in issue with any objectors to the Order.

27. Although the applications for the Section 19 Certificates and GEMA consent remain outstanding, none of the representations made on the Common Land Certificate actually challenge the basis upon which the application has been made (i.e. that the land when burdened with the rights will be no less advantageous) and the Inquiry will hear from NGET's witnesses that there is no reason why those authorisations will not be forthcoming.

The remaining objections

28. As noted previously, none of the remaining objections challenges the need case for the Project. Nor has any party suggested that the capacity, connection, resilience, and other benefits identified above and by Ms Evans (**F02**) will not arise.

29. There is no single unifying theme common to all those remaining objections, although the vast majority may be said to relate to the need for measures to be agreed and put in place to govern the interaction between the Project and existing, consented or proposed land uses, and thereby ensure the latter are not adversely affected. The objections that fall exclusively within this category comprise **OBJ12 Arlington Trustees, OBJ11 Chloe Gill, OBJ10 Crow Farming, OBJ23 Gate Burton, OBJ19 Elements Green, OBJ1 Exolum, OBJ3 Holcim and OBJ18 RWE**. Of these, four – OBJ12, OBJ11, OBJ10 and OBJ19 – all relate to the same land and proposed use, the Great North Solar Energy Park. The Inquiry will hear how NGET considers the interaction issues raised by each of these objectors to have been addressed in substance; that the formal documentation or other correspondence required in respect of them is well-advanced; and that all are expected to be withdrawn in the near future. NGET has no doubt that it is perfectly possible for the Project and the Order rights to co-exist successfully with all existing and proposed land uses, particularly given the

Project simply reflects an upgrade to existing infrastructure, the scale and location of which will remain the same.

30. **OBJ21 JG Pears Group ('JPG')** raises concerns about the breadth of the drafting of the rights sought over its land, potential conflicts with other NGET projects in the area, the creation of new access tracks (contrary to an existing agreement) and impacts upon development proposals it has planned. NGET will explain that the terms used in the proposed rights are commonplace in easements, are readily capable of being understood, and have been included within other confirmed NGET compulsory purchase orders. It will also explain the interactions between NGET's own projects in the area and why the access proposals reflected in the rights sought are required to be as they are, in the event that the compulsory powers have to be relied upon.
31. However, it will also inform the Inspector about the in-principle agreements that have been reached in respect of the Project, and explain that resolution of the JGP objection is instead being held up by discussions that are ongoing in respect of other NGET projects affecting JGP interests, in circumstances where the intention of the parties is to complete a 'global' agreement.
32. The final objection is that of **OBJ7 SNSE Limited et al ('SNSE')**. SNSE's objection contends that NGET has not justified the scope of the rights it wishes to acquire over its landholdings, noting that there are existing agreements in place in respect of them. SNSE argues that NGET *"benefits from all necessary permanent rights to deliver and maintain the relevant parts of the Project"*. SNSE also raises specific concerns about the impact of the proposed rights on the use of the land by OBJ9 Holcim, OBJ17 RES, (now withdrawn) and about access routes proposed over a small number of its plots.
33. Mr Harper will address these allegations, explaining that NGET has carried out a full land rights audit prior to making the Order. He will identify the nature of the potential gaps and limitations of the existing rights, and why NGET is therefore justified in the public interest in seeking to achieve certainty and regularity of rights over the SNSE (and other) land, in the event that a voluntary settlement is not achieved. Mr Harper

will however also be able to appraise the Inspector of the advanced stage reached in respect of securing such voluntary settlement of the outstanding issues between the parties, including in respect of access, and his expectation as to when that is likely to be achieved.

34. Of the remaining objections, five are from other statutory undertakers.² Although none of their objection letters expressly state that the objections are made pursuant to section 16 of the ALA 1981, some do mention serious detriment. The evidence of Mr Kirby **(F07)** will explain, at a high level consistent with the confidential nature of discussions that have taken place, how those interactions can be successfully managed such that the Inspector can be satisfied that serious detriment will not be caused to their undertakings. No doubt if any of those undertakers thought otherwise, they would have sought to make good their objections at this Inquiry, but they have not.

Modifications to the Order

35. The Inspector will be aware that NGET has proposed a small number of modifications to the Order, primarily to avoid seeking rights over operational land of other electricity licence holders, in circumstances where existing rights have been identified as being adequate, and also to correct certain inaccurate descriptions in the Schedule to the Order. Those proposed modifications were set out in a letter to the Department for Energy Security and Net Zero ('DESNZ') dated 4 August 2026 ('the Modifications Letter'). It is not anticipated that the proposed modifications will be controversial, but to the extent that the Inspector wishes to be addressed on any matter in connection with them, NGET will be happy to do so.

36. No remaining objector or other party has suggested any modifications to the Order, and NGET does not consider any are required.

² OBJ23, OBJ19, OBJ1 , OBJ15 and OBJ7.

Conclusion

37. In all the circumstances, it will be said that the public interest decisively weighs in favour of the grant of the Order, and that there are no matters that are likely to represent an impediment to it. At the close of the Inquiry, NGET will therefore respectfully request that the Order be confirmed, subject to the limited modifications proposed by NGET and referenced above.

REBECCA CLUTTEN

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18 August 2026