



## **DURHAM COUNTY COUNCIL ADDITIONAL NOTES REGARDING THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (SCOTLAND TO ENGLAND GREEN LINK 1) COMPULSORY PURCHASE ORDER 2023**

**Dated 18<sup>th</sup> January 2024**

---

**These comments are submitted on behalf of the County Council of Durham (“the Council”) in relation to the National Grid Electricity Transmission PLC (Scotland to England Green Link 1) Compulsory Purchase Order 2023 (“the Order”).**

1. Following the roundtable discussion held by the Inspector on 19 December 2023, the Inspector has requested further comments from the Council in respect of the proposed unilateral undertaking (“the Unilateral Undertaking”).
2. The Council is grateful to the Acquiring Authority and its legal team for the positive, proactive and responsive negotiations in respect of the Unilateral Undertaking. However, the Council remains concerned surrounding its ability to enforce the obligations in the Unilateral Undertaking, especially in respect of ongoing obligations. However, it is not considered that these issues can be addressed by further drafting. Negotiations have now reached the stage where the Council has no further comments in respect of the drafting of the Unilateral Undertaking.
3. The Council reiterates its significant concerns regarding the operation of the Unilateral Undertaking in that the Council considers that it will impose a significant resource and risk burden upon the Council, which is disproportionate to the benefits achieved.
4. The Council does not consider that, in the event of a failure by the Acquiring Authority to comply with the obligations in the Unilateral Undertaking, it would be reasonable or proportionate to require the Council to assert rights on behalf of third parties. This is especially so when this in turn exposes the Council to a risk of legal challenge should those third-party landowners disagree with the Council’s position.

5. On the basis that there is an alternative option available in terms of the proposed modification to the Order, the Council respectfully requests that the decision maker fail to afford any weight in the determination of the Order to the Unilateral undertaking.
6. By way of further update, as discussed at the roundtable discussion, negotiations are continuing between the Council and the Acquiring Authority in respect of the alternative site to Plot 7-27 (“the Alternative Plot”).
7. Following the roundtable discussions, the Council has worked proactively and positively with the agents of the Acquiring Authority in an attempt to agree suitable terms in respect of the Alternative Plot.
8. Unfortunately, whilst the Council has acted swiftly in an attempt to agree terms for the Alternative Plot and has made significant concessions in an attempt to reach a swift conclusion, the Council is somewhat frustrated by the pace of the negotiations. It is accepted that Plot 7-27 forms only part of a much wider project to the Acquiring Authority and that there are many wider issues. However, to the Council, it is of paramount importance that Plot 7-27 is not subject to confirmed CPO rights. As previously set out in the Council’s evidence, this would likely have significant adverse impacts upon the Council’s regeneration aspirations for the site.
9. The Council remains strongly of the view that there is no compelling case in the public interest that would justify the compulsory acquisition of compound rights over Plot 7-27. Further, that the Acquiring Authority’s case does not outweigh the private rights affected, especially as there is a suitable Alternative Plot (which the Acquiring Authority has agreed to) and terms are almost agreed.
10. The Council therefore respectfully asks the decision maker to exclude Plot 7-27 from any confirmed Order. Alternatively, if the decision maker is not minded to agree to this request, the Council respectfully asks the decision taker for a further short window of time in which to conclude negotiations with the Acquiring Authority in respect of the Alternative Plot.

**FOR AND ON BEHALF OF THE COUNTY COUNCIL OF DURHAM**