

DATE: MAY 2020

**SOUTHERN ELECTRIC POWER DISTRIBUTION PLC (THATCHAM, BERKSHIRE TO
ASHFORD HILL, HAMPSHIRE CONNECTION)
COMPULSORY PURCHASE ORDER 2020**

STATEMENT OF REASONS

**SOUTHERN ELECTRIC POWER DISTRIBUTION PLC
ELECTRICITY ACT 1989**

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1. INTRODUCTION

- 1.1 Southern Electric Power Distribution Plc (**SEPD**) is the holder of an electricity distribution licence granted pursuant to section 6(1)(c) of the Electricity Act 1989 (the **1989 Act**), which came into force on 9 February 2015 (the **Distribution Licence**).
- 1.2 SEPD owns and operates the licenced electricity distribution network in central southern England, which serves approximately 2.9 million customers. SEPD's electricity distribution network distributes electricity from the high voltage transmission grid to industrial, commercial and domestic users.
- 1.3 SEPD is promoting and developing an underground electricity connection linking its existing electricity substation in Thatcham (**Thatcham Substation**) to an existing electricity cable at Ashford Hill Compound Station (**Ashford Hill Compound Station**) (the **Project**). The Project comprises:
 - 1.3.1 installation of two 132kv underground circuits (each circuit comprising three electrical cables and a supporting fibre-optic cable) and associated infrastructure including pits and service pillars (the **Cable Development**);
 - 1.3.2 use of areas of land for construction laydown areas, including for the storage of machinery and equipment and for use as Horizontal Directional Drill (**HDD**) launch pads (the **Compound Works**);
 - 1.3.3 construction of accesses from the adopted highway to provide pedestrian and vehicular access and egress to enable the Cable Development and Compound Works (the **Accesses**);
 - 1.3.4 connection works at Thatcham Substation (including new cable sealing ends, busbars and circuit breakers installed at the substation) within the boundaries of SEPD's current operational site in order to connect the Cable Development to Thatcham Substation (the **Substation Works**); and
 - 1.3.5 connection works at Ashford Hill Compound Station (including additional cable sealing ends installed) within the boundaries of SEPD's current operational site in order to connect the Cable Development to an existing underground electricity cable; together with modification of connections from the existing sealing ends to the existing overhead electricity line (the **Sealing End Works**).
- 1.4 The Project is required to reinforce SEPD's existing electricity distribution network and address current capacity and resilience issues at Thatcham Substation and the wider 132kV distribution network. As holder of the Distribution Licence, SEPD has a statutory duty to develop and maintain an efficient, co-ordinated and economical system of electricity distribution. Pursuant to its Distribution Licence, SEPD is required to plan and develop its systems in accordance with Energy Networks Associate Engineering Recommendations (**ENA ER**). The Energy Networks Association (**ENA**) is responsible for maintaining and developing the industry documents related to electricity transmission and distribution networks on behalf of its members. The ENA has a current planning standard known as ER P2/7. SEPD is required to meet the requirements set out within this planning standard in order to ensure that a secure supply of electricity to its customers is maintained and to ensure compliance with its duties and licence obligations. In the near future there will be P2/7 compliance issues for Thatcham and Andover Substations, which means that SEPD is not complying with the current planning standard. In particular, the existing Thatcham and Andover 132 kV network is expected to be operating beyond its firm capacity by 2022 at the

latest. The new infrastructure planned between Thatcham Substation and Ashford Hill Compound Station is therefore required to enhance the existing network to ensure a secure supply of electricity to existing and future businesses and residential properties. Further detail on the need for the Project is set out in section 8 below.

- 1.5 SEPD has made the Southern Electric Power Distribution Plc (Thatcham, Berkshire to Ashford Hill, Hampshire Connection) Compulsory Purchase Order 2020 (the **Order**) under the provisions of the 1989 Act. The Order has been made in order to acquire the rights necessary to deliver the Project. In summary, the Order will authorise the acquisition of:
 - 1.5.1 the rights required to install, construct, use, inspect, maintain, repair, protect, alter, renew, remove and decommission the underground electricity cables and associated infrastructure;
 - 1.5.2 the rights required in relation to access; and
 - 1.5.3 the rights required in relation to construction compounds.
- 1.6 This is the Statement of Reasons for the Order. This Statement of Reasons has been prepared in accordance with Section 12 of the DCLG's: Guidance on Compulsory Purchase Process and the Crichel Down Rules (the **CPO Guidance**), which provides guidance on the content of a Statement of Reasons.
- 1.7 Powers of compulsory acquisition pursuant to the Order will only be justified where it can be demonstrated that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 1.8 This Statement of Reasons sets out SEPD's justification for seeking compulsory purchase powers within the Order. This Statement of Reasons also demonstrates that the public benefits of the Project outweigh the private rights affected and that there is a compelling case in the public interest for the exercise of the powers of compulsory acquisition included within the Order.

2. ENABLING POWER

- 2.1 As noted above, SEPD is the holder of the Distribution Licence, granted pursuant to section 6(1)(e) of the 1989 Act.
- 2.2 The Order is made pursuant to section 10 and schedule 3 to the 1989 Act.
- 2.3 Section 10 of the 1989 Act provides that schedule 3 to the 1989 Act has effect in relation to an electricity licence holder (to the extent that the licence so provides). The Distribution Licence provides that the powers under schedule 3 to the 1989 Act have effect in relation to SEPD to the extent that they are required for the purpose of enabling it to carry on the activities that it is authorised or required to carry on by or under the Distribution Licence.
- 2.4 Therefore, SEPD is authorised by the Distribution Licence to compulsorily acquire land or rights to enable it to develop and operate the Project, including the construction and maintenance of the Project. As such, schedule 3 to the 1989 Act has effect.
- 2.5 Schedule 3 to the 1989 Act provides that the Secretary of State may authorise SEPD, as a licence holder, to purchase compulsorily any land required for any purpose connected with the carrying on of the activities which SEPD is authorised by the Distribution Licence to carry on. This is the effect of the licence condition identified at section 2.3 above. For these purposes, paragraph 1(2) of schedule 3 to the 1989 Act makes it clear that SEPD can compulsorily acquire any right over

land in addition to the compulsory acquisition of land, and that this extends to the creation of new rights as well as the acquisition of existing rights.

- 2.6 The rights to be acquired pursuant to the Order are required for the purposes connected with the carrying on of the activities (the Project) which SEPD is authorised to carry out by the Distribution Licence.

3. THE PROJECT

- 3.1 As described in more detail in section 1 above, the Project is required in order to reinforce the existing electricity distribution infrastructure in the area. In particular, the Thatcham and Andover 132 kV network is expected to be operating beyond its firm capacity by 2022 at the latest.

- 3.2 The infrastructure required to deliver the Project will comprise:

The Cable Development

- 3.2.1 The Project will involve the installation of two 132kv underground electricity circuits; each circuit comprising three electrical cables and a supporting fibre-optic cable. The cable route is 5.4 kilometres long and predominately passes through private landowners' farmland, this being a mix of arable and pasture land. The installation of the underground electricity circuits will predominantly involve open cut trenching. The trench will be approximately 1000mm (1 metre) wide and 1500mm (1.5 metres) deep and excavation machinery will be used to dig a single trench to house both circuits in a ducted system. Sections of the cable route cross railway line, canal, watercourses and public highways. In these sections the cable will be installed by way of HDD with a receiver and launch pit at either end. The working width of the cable corridor will be 25 metres wide to allow space for the trench, use of machinery and soil storage. It is envisaged that joint bays, pits, service pillars and marker posts will be installed as close to existing hedgerows as is feasible.

The Compound Works

- 3.2.2 Construction compound sites will be erected along the route in order to store machinery and equipment to facilitate the Cable Development. Three compound sites are positioned along the route, enclosed by heras fencing or similar.

The Accesses

- 3.2.3 Access routes are required from the adopted highways to provide access for machinery to pass to and from the cable corridor. Existing access routes and tracks are to be used where appropriate. However, there is a requirement to create temporary access routes using a combination of trackway materials and MOT Type 1 to cross areas of farmland for the heavier machinery required for the HDD.

The Substation Works

- 3.2.4 New cable sealing ends, busbars and circuit breakers will be installed in the currently vacant area of Thatcham Substation. These will be configured to match the new connection arrangements and in a manner that will provide operational flexibility and ensure that the Thatcham group of substations will be compliant with ENA ER.

The Sealing End Works

3.2.5 Additional cable sealing ends will be installed within the Ashford Hill Compound Station. Connections within the Compound from the existing sealing ends to the existing overhead line will also be modified. The modification is required because the existing underground cable is oil-filled, and the new cable is polymeric and jointing the two would involve a much larger joint bay excavation. It has therefore been decided that the two cables will be connected via two sealing end connections.

3.3 The Order includes rights in relation to the:

3.3.1 The Cable Development;

3.3.2 The Compound Works; and

3.3.3 The Accesses.

3.4 The Order does not include any rights in relation to the Substation Works and the Sealing End Works. These works take place within the boundaries of Thatcham Substation and Ashford Hill Compound Station respectively.

3.5 In respect of the no scheme world, all of the Project is to be disregarded.

4. LAND TO BE ACQUIRED

4.1 No land is to be permanently acquired compulsorily.

5. RIGHTS TO BE CREATED

5.1 The route of the Cable Development runs generally south and east from Thatcham Substation to the existing electricity line at Ashford Hill Compound Station.

5.2 A number of rights are to be created compulsorily, in relation to the Cable Development, the Compound Works and the Accesses.

5.3 SEPD's land rights strategy has been to acquire easements for the electricity cables as the infrastructure is situated underground and permanent acquisition of the land is not required. Therefore, the Order creates new rights in land compulsorily, as opposed to permanently acquiring the relevant land. SEPD's approach to the creation of rights follows a proportionate approach in the use of its powers of compulsory acquisition.

5.4 SEPD's approach is to only acquire the interests that it requires over the various plots within the Order (**the Order Land**). Not all plots require the same rights, and so SEPD will compulsorily acquire different classes of rights over different plots. The classes of rights are defined below.

5.5 The following classes of rights are to be created over the various plots of land.

Cable rights

5.6 Rights in, on, over or under the Order Land necessary for SEPD and those authorised by SEPD:

A	to lay, install (by trenching, horizontal directional drilling or otherwise), construct, use, inspect, maintain, protect, repair, relay, replace, renew, supplement, connect into, remove, divert, relocate, decommission and/or render unusable the Cables and to remain on and/or break up and excavate so much of the surface of the Order Land as is necessary from time to time for all proper purposes in connection with the Project;
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B	to remove, fell, lop or cut in a proper manner all trees, bushes, hedges and shrubs on the Order Land which may if not felled, lopped or cut, damage, obstruct or interfere with the construction, maintenance or safe and efficient operation of the Cables;
C	to use the Order Land for the purposes of pedestrian and vehicular access and egress to the Order Land and over the Order Land in order to access onto adjoining Order Land (which shall include without limitation construction and maintenance traffic) and with plant, equipment and machinery and to park vehicles thereon for all proper purposes in connection with the Project;
D	to construct, improve, widen, repair, maintain, renew, take all necessary support for and rebuild existing and new accesses and associated or ancillary structures (including bridges and other crossings) on the Order Land in connection with the Project;
E	to temporarily divert watercourses and execute other works on watercourses in connection with the Project;
F	to install, maintain, replace, renew and remove cable marker posts to identify the location of the Cables on the Order Land (subject to an obligation to minimise interference with future use and operations);
G	to construct, relocate and/or divert any culvert and/or drain and all associated structures on the Order Land together with the right of drainage into any culvert and/or drain and subsequently to retain, use, inspect, maintain, decorate, repair, bridge over, replace and renew as necessary any culvert and/or drain on the Order Land in connection with the Project;
H	to install, execute, implement, retain, maintain, repair, renew, remove, replace and relocate (and to carry out all necessary reinstatement works in relation to) environmental and/or ecological measures, works and/or activities, and to carry out (and to carry out all necessary reinstatement works in relation to) archaeological, environmental, ecological, agricultural, contamination, soil, topographical and geotechnical surveys and investigations, including the taking and removal of soil samples and the sinking of boreholes and/or excavation of trial pits, and other like surveys and investigations;
I	to prevent the erection of and/or remove any structure on the Order Land and prevent and/or remove any alteration to the Order Land where that structure or alteration may cause damage to the Cables;
J	to prevent and/or remove anything on the Order Land (other than normal agricultural operations) whereby the support of or the cover of soil over the Cables shall be altered and/or any works which alter the surface level, ground cover or composition of the Order Land;
K	to prevent and/or remove anything on the Order Land which will or may damage, interfere with or obstruct the operation of the Cables, free access to the Cables, and/or make such access more difficult or expensive; and

L	to make good any damage caused in connection with the Project.
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Compound rights

5.7 Rights in, on, over or under the Order Land necessary for SEPD and those authorised by SEPD:

M	to use the Order Land as a construction and maintenance compound, working area, laydown and parking area for all plant, equipment, materials and vehicles in connection with the construction of the Project (including providing means of access and the right to construct, improve, widen, repair, maintain, and take all necessary support for existing and new accesses) and for the construction, use and maintenance of temporary welfare and security buildings and thereafter the removal of the same;
N	to remove any structures or poles from the Order Land and to remove, fell, lop or cut in a proper manner all trees, bushes, hedges and shrubs from the Order Land and to prepare, take up and store soils and subsoils and lay membrane and hardstanding on the Order Land;
O	to place and use plant, machinery and other apparatus and temporary structures on the Order Land in connection with the Project;
P	to use the Order Land for the purposes of pedestrian and vehicular access and egress to the Order Land and over the Order Land in order to access onto adjoining Order Land (which shall include without limitation construction and maintenance traffic) and with plant, equipment and machinery and to park vehicles thereon for all proper purposes in connection with the Project;
Q	to erect, maintain and remove temporary fencing and temporary signage on the Order Land for site, public and personnel safety and to create secure works compounds on the Order Land; and
R	to make good any damage caused in connection with the Project.

Access rights

5.8 Rights in, on, over or under the Order Land necessary for SEPD and those authorised by SEPD:

S	to use the Order Land for the purposes of pedestrian and vehicular access and egress to the Order Land and over the Order Land in order to access onto adjoining Order Land (which shall include without limitation construction and maintenance traffic) and with plant, equipment and machinery and to park vehicles thereon for all proper purposes in connection with the Project;
T	to construct, improve, widen, repair, maintain, renew, take all necessary support for and rebuild existing and new accesses and associated or ancillary structures (including bridges and other crossings) on the Order Land in connection with the Project;
U	to construct, relocate and/or divert any culvert and/or drain and all associated structures on the Order Land together with the right of drainage into any culvert and/or drain and subsequently to retain, use, inspect, maintain, decorate, repair, bridge over, replace and

	renew as necessary any culvert and/or drain on the Order Land in connection with the Project;
V	to remove, fell, lop or cut in a proper manner all trees, bushes, hedges and shrubs from the Order Land and to clear and remove any and all vegetation from the Order Land which may damage, obstruct or interfere with the exercise of the Access rights;
W	to prevent and remove any works or use of the Order Land which may interfere with or obstruct such access or the exercise of the Access rights; and
X	to make good any damage caused in connection with the Project.

5.9 The Order will authorise the creation of these new rights over different plots of the Order Land.

5.10 For completeness, the size, description, owner of each plot and the rights to be acquired are identified in the table below.

Plot	Size	Plot Description	Plot Owner	Rights to be Acquired
1	969 sqm	Railway (Great Western Railway, Thatcham and Midgham), car park and shrubbery	Network Rail Infrastructure Limited	Cable rights
2	426 sqm	Canal (Kennet and Avon Canal) and public footpath (THAT 28/6)	Canal & River Trust (as trustee of the Waterways Infrastructure Trust)	Cable rights
3	302 sqm	Private road (Rainsford Farm Mews)	Canalside Estates Limited	Cable rights
4	300 sqm	Private road (Rainsford Farm Mews)	Canalside Estates Limited	Access rights
5	28845 sqm	Agricultural land and hedgerows (Rainsford Farm) and river, bed and banks thereof (River Kennet)	Anne Elizabeth Blanche Henry Peter John Henry Richard Charles Henry	Cable rights
6	156 sqm	Private road (Rainsford Farm Mews)	Canalside Estates Limited	Access rights

7	151 sqm	Private road (Rainsford Farm Mews)	Canalside Estates Limited	Access rights
8	1119 sqm	Agricultural land and access track (Rainsford Farm)	Anne Elizabeth Blanche Henry Peter John Henry Richard Charles Henry	Access rights
9	2476 sqm	Agricultural land (Rainsford Farm)	Anne Elizabeth Blanche Henry Peter John Henry Richard Charles Henry	Compound rights
10	7502 sqm	Agricultural land and hedgerow (Crookham Manor) and river, bed and banks thereof (River Kennet)	Roberto Pasquale Casula Victoria Samantha Casula	Cable rights
11	820 sqm	Shrubbery and trees (Crookham Manor)	Roberto Pasquale Casula Victoria Samantha Casula	Access rights
12	8380 sqm	Agricultural land, woodland and hedgerows (Manor Farm)	Linda Mary Alexander Richard Laurence Alexander Duncan James Alexander William Paul Alexander Sarah K Knight (trading as Manor Farm Partnership)	Access rights
13	24998 sqm	Agricultural land and hedgerows (Manor Farm)	Linda Mary Alexander Richard Laurence Alexander Duncan James Alexander William Paul Alexander Sarah K Knight (trading as Manor Farm Partnership)	Cable rights
14	6274 sqm	Access track (Manor Farm)	Linda Mary Alexander Richard Laurence Alexander Duncan James Alexander William Paul Alexander	Access rights

			Sarah K Knight (trading as Manor Farm Partnership)	
15	150 sqm	Public bridleway (Manor Lane, BRIM 1/1)	Catherine Jean Hartz (as reputed owner) John Frederik Hartz (as reputed owner) Linda Mary Alexander (as reputed owner) Richard Laurence Alexander (as reputed owner) Duncan James Alexander (as reputed owner) William Paul Alexander (as reputed owner) Sarah K Knight (as reputed owner) Unknown	Cable rights
16	12505 sqm	Agricultural land, access track, hedgerows, shrubbery and trees (Stone House)	Catherine Jean Hartz John Frederik Hartz	Cable rights
17	2462 sqm	Agricultural land and access track (Stone House)	Catherine Jean Hartz John Frederik Hartz	Access rights
18	3136 sqm	Public bridleway (Manor Lane, BRIM 1/1)	Catherine Jean Hartz (as reputed owner) John Frederik Hartz (as reputed owner) Linda Mary Alexander (as reputed owner) Richard Laurence Alexander (as reputed owner) Duncan James Alexander (as reputed owner) William Paul Alexander (as reputed owner)	Access rights

			Sarah K Knight (as reputed owner) Unknown	
19	1569 sqm	Agricultural land and access track (Burnells Farm)	Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement)	Access rights
20	8691 sqm	Agricultural land and hedgerows (Burnells Farm)	Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement)	Cable rights
21	5364 sqm	Agricultural land and hedgerow (Burnells Farm)	Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement)	Compound rights
22	23937 sqm	Agricultural land and hedgerows (Wasing Estate) and public footpaths (BRIM 6/2, BRIM 9/2 and BRIM 19/2)	Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement) Hugh Adrian Bethell (trading as Wasing 1985 Settlement)	Cable rights
23	699 sqm	Access track (Wasing Estate) and public footpaths (BRIM 6/1 and BRIM 6/2)	Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement) Hugh Adrian Bethell (trading as Wasing 1985 Settlement)	Access rights
24	4382 sqm	Access track (Wasing Estate) and public footpaths (BRIM 18/2, BRIM 18/4 and BRIM 19/2)	Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement) Hugh Adrian Bethell (trading as Wasing 1985 Settlement)	Access rights
25	10661 sqm	Agricultural land and hedgerow (Hyde End Farm) and public footpath (BRIM 17/1)	Margaret Pettit-Mills (trading as RC Pettit-Mills & Son) Peter Howard Mills	Cable rights
26	580 sqm	Agricultural land (Hyde End Farm)	Margaret Pettit-Mills (trading as RC Pettit-Mills & Son) Peter Howard Mills	Access rights
27	4597 sqm	Private road (Hyde End Lane) and public bridleway (BRIM 16/1)	Margaret Pettit-Mills (trading as RC Pettit-Mills & Son) Peter Howard Mills	Access rights

28	356 sqm	Public footpath (Ashford Hill with Headley 708) and public bridleway (Ashford Hill with Headley 7123)	Margaret Pettit-Mills (as reputed owner) Peter Howard Mills (as reputed owner) David Charles Pusinelli (as reputed owner) Frances Evelyn Van Der Byl (as reputed owner) Unknown	Cable rights
29	14013 sqm	Agricultural land, woodland and hedgerow (Woodhouse Farm)	David Charles Pusinelli Frances Evelyn Van Der Byl	Cable rights
30	3452 sqm	Agricultural land (Woodhouse Farm)	David Charles Pusinelli Frances Evelyn Van Der Byl	Compound rights

6. ENGAGEMENT WITH AFFECTED PARTIES

6.1 SEPD has sought to voluntarily acquire all necessary rights voluntarily through negotiation with the known landowners.

Rights to be Acquired

6.2 SEPD has employed a comprehensive and consistent land rights strategy in order to acquire the interests in the plots that it requires to deliver the Project. This strategy has comprised of offers being submitted to each landowner, with incentives linked to the early acceptance of offers.

6.3 Heads of Terms for the Agreement to Grant enabling SEPD to enter land for the construction and installation of the cable and associated infrastructure and post installation to enter into a Deed of Easement were issued to landowners.

6.4 The Agreement to Grant is proposed to be a 7-year period and the total offer from SEPD (which includes a market value consideration payment) has been incentivised as follows:

6.4.1 an incentive payment, payable on completion of the Agreement to Grant, subject to the Agreement to Grant being completed within 8 weeks from the date of Heads of Terms; and

6.4.2 a reduced incentive payment (being 50% of the total incentive payment), payable on completion of the Agreement to Grant, if the Agreement to Grant exchanges between 8 and 12 weeks from Heads of Terms; and

6.4.3 beyond 12 weeks after Heads of Terms, a consideration payment will remain payable; however, the incentive payment is no longer payable.

6.5 As part of this strategy, SEPD provided draft heads of terms to each of the landowners.

Plot	Plot Owner	Status of Negotiations
1	Network Rail Infrastructure Limited	Further consultation to complete agreement via Master Wayleave Agreement, but close to completion subject to approval of the wayleave plan.
2	Canal & River Trust (as trustee of the Waterways Infrastructure Trust)	Negotiations are ongoing but the Plot Owner has indicated its approval in principle subject to receiving a risk assessment and method statement prior to construction.
3, 4, 6 and 7	Canalside Estates Limited	Heads of terms were issued in October 2019 to the previous owner, but the land was then sold. Heads of terms were re-issued to the new owner in December 2019 and negotiations are ongoing.
5, 8 and 9	Anne Elizabeth Blanche Henry Peter John Henry Richard Charles Henry	Heads of terms were issued in October 2019 and an Agreement to Grant exchanged on 20 December 2019. Heads of Terms for a Lease were issued on 7 April 2020 and negotiations are ongoing.
10 and 11	Roberto Pasquale Casula Victoria Samantha Casula	Heads of terms were agreed on 18 November 2019 and the Agreement to Grant exchanged on 20 April 2020.
12, 13 and 14	Linda Mary Alexander Richard Laurence Alexander Duncan James Alexander William Paul Alexander Sarah K Knight (trading as Manor Farm Partnership)	Initial heads of terms were issued in October 2019. Following negotiations, revised heads of terms were issued on 4 December 2019 and agreed on 22 January 2020. An Agreement to Grant has been agreed but exchange has been delayed due to an outstanding consent from Grundon Sand and Gravel Limited.
15	Catherine Jean Hartz (as reputed owner) John Frederik Hartz (as reputed owner) Linda Mary Alexander (as reputed owner) Richard Laurence Alexander (as reputed owner)	Unregistered – notices issued and no responses received.

	<p>Duncan James Alexander (as reputed owner)</p> <p>William Paul Alexander (as reputed owner)</p> <p>Sarah K Knight (as reputed owner)</p> <p>Unknown</p>	
16 and 17	<p>Catherine Jean Hartz</p> <p>John Frederik Hartz</p>	Initial heads of terms were issued in October 2019 and agreed on 12 November 2019. The Agreement to Grant exchanged on 22 April 2020.
18	<p>Catherine Jean Hartz (as reputed owner)</p> <p>John Frederik Hartz (as reputed owner)</p> <p>Linda Mary Alexander (as reputed owner)</p> <p>Richard Laurence Alexander (as reputed owner)</p> <p>Duncan James Alexander (as reputed owner)</p> <p>William Paul Alexander (as reputed owner)</p> <p>Sarah K Knight (as reputed owner)</p> <p>Unknown</p>	Unregistered – notices issued and no responses received.
19 and 20	<p>Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement)</p>	Heads of Terms were agreed on 21 April 2020 and negotiations are ongoing.
21	<p>Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement)</p>	Heads of Terms for a lease were issued to the Plot Owner on 21 April 2020 and negotiations are ongoing.
22, 23 and 24	<p>Sir William Matthew Stratford Dugdale (trading as Wasing 1985 Settlement)</p> <p>Hugh Adrian Bethell (trading as Wasing 1985 Settlement)</p>	Heads of Terms were agreed on 21 April 2020 and negotiations are ongoing.
25	<p>Margaret Pettit-Mills (trading as RC Pettit-Mills & Son)</p> <p>Peter Howard Mills</p>	Heads of terms were issued and agreed in October 2019 and an Agreement to Grant exchanged on 29 January 2020.

26 and 27	Margaret Pettit-Mills (trading as RC Pettit-Mills & Son) Peter Howard Mills	Heads of terms were issued and agreed in October 2019 and an Agreement to Grant exchanged on 29 January 2020. Although plot 26 and 27 was not shown on the appended plan, access was granted over the whole of the grantor's title.
28	Margaret Pettit-Mills (as reputed owner) Peter Howard Mills (as reputed owner) David Charles Pusinelli (as reputed owner) Frances Evelyn Van Der Byl (as reputed owner) Unknown	Unregistered – notices issued and no responses received.
29 and 30	David Charles Pusinelli Frances Evelyn Van Der Byl	Heads of terms were issued in October 2019 and an Agreement to Grant exchanged on 23 December 2019. Heads of Terms for a lease were issued on 7 April 2020 and negotiations are ongoing.

Land in Unknown Ownership

6.6 SEPD has sought to identify the ownership of land where the ownership is currently unknown. The Table below identifies land where the ownership is currently unknown.

Plot	Size	Description	Ownership	Rights
15	150 sqm	Public bridleway (Manor Lane, BRIM 1/1)	Catherine Jean Hartz (as reputed owner) John Frederik Hartz (as reputed owner) Linda Mary Alexander (as reputed owner) Richard Laurence Alexander (as reputed owner) Duncan James Alexander (as reputed owner) William Paul Alexander (as reputed owner) Sarah K Knight (as reputed owner)	Cable rights

			Unknown	
18	3136 sqm	Public bridleway (Manor Lane, BRIM 1/1)	Catherine Jean Hartz (as reputed owner) John Frederik Hartz (as reputed owner) Linda Mary Alexander (as reputed owner) Richard Laurence Alexander (as reputed owner) Duncan James Alexander (as reputed owner) William Paul Alexander (as reputed owner) Sarah K Knight (as reputed owner) Unknown	Access rights
28	356 sqm	Public footpath (Ashford Hill with Headley 708) and public bridleway (Ashford Hill with Headley 7123)	Margaret Pettit-Mills (as reputed owner) Peter Howard Mills (as reputed owner) David Charles Pusinelli (as reputed owner) Frances Evelyn Van Der Byl (as reputed owner) Unknown	Cable rights

6.7 SEPD has taken active steps to identify the owners (or reputed owners) of any unregistered plots. This has included the erection of site notices on or close to the land in question and the serving of Request for Information forms on all landowners asking for them to clarify the extent of their land ownerships.

6.8 SEPD's land agents erected site notices on 16 August 2019. The site notices were left *in situ* for four weeks, and SEPD's land agents then undertook weekly site visits to ensure that these site notices remained *in situ*.

Next Steps

6.9 SEPD will continue to seek to voluntarily acquire rights over plots where there are known landowners and will continue to seek to agree heads of terms with those landowners that are yet to agree heads of terms. SEPD will do this in parallel with the promotion of the Order, as the Order is its last resort to ensure that it has acquired all the rights that it requires to deliver the Project in accordance with the project programme.

- 6.10 Notwithstanding SEPD's ongoing commitment to voluntary negotiations with known landowners, SEPD must have certainty in respect of the rights that it requires in order to ensure the comprehensive delivery of the Project. Therefore, SEPD has made the Order because:
- 6.10.1 SEPD's strategy has been to obtain options by agreement. The compulsory powers provide a fall-back should the voluntary agreements fail, for example if a landowner is unwilling to grant the relevant rights once the option has been exercised;
 - 6.10.2 including all interests in a compulsory purchase enables a complete set of consistent rights to be compulsorily acquired in the same way and through one process;
 - 6.10.3 compulsory purchase powers encourage landowners to negotiate, and to negotiate realistically in the context of a compulsory acquisition programme;
 - 6.10.4 powers of compulsory acquisition are more readily enforceable; and
 - 6.10.5 there remain plots of land which are in unknown ownership and in which rights must be compulsorily acquired in any event if the ownership remains unknown to ensure that the Project can be comprehensively delivered.
- 6.11 The CPO Guidance recognises that, whilst compulsory purchase should be a last resort, valuable time would be lost if SEPD waited until voluntary negotiations have broken down before initiating the compulsory purchase process and that it is often sensible for formal procedures to be initiated in parallel.
- 6.12 The CPO Guidance further recognises the utility of SEPD initiating compulsory purchase procedures in signalling the seriousness of its intention to landowners which may help to facilitate more meaningful negotiations.
- 6.13 SEPD will continue to negotiate actively with landowners in parallel with the compulsory acquisition process.
- 6.14 SEPD's approach to voluntary negotiations and compulsory acquisition is in accordance with the CPO Guidance.

7. ASSESSING ALTERNATIVE WAYS OF REALISING THE PURPOSE

- 7.1 SEPD's approach to assessing alternatives is set out in the Ashford Hill to Thatcham 132kV Feasibility Risk Report prepared by Dalcour Maclaren (2018) (the **Feasibility Report**). The Feasibility Report is submitted as an Order document.
- 7.2 The Feasibility Report identified options for a 132kV cable route between Thatcham Substation and Ashford Hill Compound Substation. Potential route options were assessed on the basis of identified environmental and physical constraints, in particular:
- 7.2.1 Gravel extraction within the River Kennet basin;
 - 7.2.2 Crossing of the Kennet and Avon Canal;
 - 7.2.3 Crossing of the Rivers Kennet and Enborne;
 - 7.2.4 The floodplain of the Rivers Kennet and Enborne;
 - 7.2.5 Crossing of the Great Western Railway;
 - 7.2.6 Site of Special Scientific Interest (**SSSI**) along the River Kennet;
 - 7.2.7 SSSI at Greenham and Crookham Commons;
 - 7.2.8 Development potential on land south of Thatcham Substation;

- 7.2.9 Registered Common Land;
 - 7.2.10 Presence of other utilities; and
 - 7.2.11 Cost.
- 7.3 An initial route feasibility assessment was carried out to assess the impact of the proposed route upon environmental aspects, physical constraints and effects on the local infrastructure. There are various areas of land designated with environmental status in the vicinity of the Project, including Common Land and SSSIs as well as areas of historic importance with designated as scheduled monuments. There are also physical constraints such as the Kennet and Avon Canal, River Enborne and River Kennett which were considered when assessing the route feasibility, as well as areas which have been marked as sites for gravel extraction. The preferred route corridor is considered to represent the most appropriate balance between environmental constraints, physical constraints, costs and SEPD's statutory and license obligations.
- 7.4 The final route corridor avoids as much impact on the environment and infrastructure as is practically possible. It passes predominately over private farmland and avoids, where possible, public highways and areas of significant environmental and historic importance. The route alignment also sought to avoid crossing rivers where possible. Where a river or canal crossing cannot be avoided, the method of installation will utilise HDD to minimise impact on the rivers and areas designated as SSSIs.
- 7.5 The detailed route alignment was subject to consultation with affected landowners and statutory bodies and sought, where practicable, to minimise disruption to existing land uses.
- 7.6 The finalised cable route begins south of Thatcham Substation. The circuits pass under the Great Western Railway (plot 1) and Kennet and Avon Canal (plot 2), with installation by means of HDD. The cable route then proceeds south-east across agricultural land to the River Kennet (plot 5). The alignment of plot 5 was determined in consultation with the landowners to minimise the impact on their farmland.
- 7.7 A compound (plot 9) provides the construction laydown area for the first section of the cable route. Access to the cable corridor and construction compound is taken over existing private roads (plots 4, 6 and 7) and existing and constructed access track (plot 8). Construction traffic, plant and machinery from the access and/or construction compound will then use the cable corridor as the trenching and cable installation progresses.
- 7.8 The cable route crosses under the River Kennet (by HDD installation) and curves to the south (plots 10, 13, 15, 16 and 20). The curve in the cable route allows for the bend radius of the 132kV circuits being installed. The cable route in plot 13 passes through an area of ancient woodland, with the detailed route alignment being determined in consultation with the Forestry Commission and Historic England. The route passes through a small area of ancient woodland, but this alignment avoids impacting on a scheduled monument and a larger area of ancient woodland. A second compound (plot 21) provides a construction laydown area for the middle section of the cable route. Access from the public highway to various parts of the cable corridor and to the compound is taken over plots 11 and 12, 14, 17 and 18 and 19. The accesses comprise existing tracks and constructed access track. Access to the compound and cable corridor over plot 19 utilises an existing track for the first part of the access to ensure that no new entrance from the public highway to the compound or cable corridor requires to be constructed.

- 7.9 The cable route continues to the south (plots 22, 25, 28 and 29) across agricultural land and under the River Enborne (by HDD installation). The detailed route alignment was subject to consultation with landowners, and generally proceeds close to field boundaries to minimise disruption to farmland. The alignment in plot 25 avoids the landowner’s existing ground source heat pump. The curves in the cable route again reflect the bend radius of the 132kV circuits being installed. A third compound (plot 30) provides a construction laydown area for the end section of the cable route and permits vehicle movements to and from the public highway to be kept to a minimum while this section is installed. Access to the cable corridor and compound is taken over plots 23, 24, 26 and 27. The accesses comprise existing tracks, public footpath and bridleway, private road and constructed access track. The cable route ends at the boundary of the Ashford Hill Compound Station.
- 7.10 Where the circuits are to be installed underneath a public highway, SEPD’s approach is to rely on the powers in Schedule 4 of the 1989 Act. These powers permit SEPD, as a licence holder carrying on the activities which are authorised by the Distribution Licence, to install electric lines and any structures for housing or covering such lines, and to execute works requisite for or incidental to the purposes of such works, under, over, in, on, along or across the highway. Therefore, SEPD does not seek to acquire rights under the Order in relation to Pipers Lane (between Thatcham Substation and plot 1) or Crookham Common Road (between plots 20 and 22).
- 7.11 The Project has been the subject of extensive engagement with the public and stakeholders, including detailed discussions with affected landowners and a public consultation event.

Consultation Event	Consultation Venue	Consultation Date	Consultation Feedback
Public Consultation Event – August 2019	Thatcham Town Football Club, Waterside Park, Crookham Hill, Thatcham	10 July 2019	There were twelve attendees at the consultation event, including four landowners or landowners’ representatives. Enquiries from the general public were to understand the purpose of the Project, the cable route and the impact on public highways. The landowners who were directly affected by the scheme wished to discuss details of the construction and consideration sums.

- 7.12 In terms of the use of the Order, SEPD has sought to agree rights voluntarily as identified in section 6 above. SEPD’s approach of seeking easements for the cables is necessary and proportionate, as are the rights to be acquired pursuant to the Order.
- 7.13 In terms of alternative ways of acquiring such rights, SEPD’s approach of acquiring permanent rights as opposed to wayleaves is necessary and proportionate because wayleaves are time limited and would not provide adequate rights or protection to the Project in the way that the rights to be acquired pursuant to the Order would. In addition, wayleaves have a number of deficiencies as they:

- 7.13.1 can be withdrawn without the consent of SEPD, unlike permanent rights;
 - 7.13.2 cannot be registered at HM Land Registry in the same way as permanent rights; and
 - 7.13.3 do not bind successors in title in the way that permanent rights do.
- 7.14 As a further alternative, SEPD considered the use of necessary wayleaves under Schedule 4 to the 1989 Act as these overcome some of the deficiencies of a wayleave. However, necessary wayleaves still have the following deficiencies when compared to the permanent rights to be acquired pursuant to the Order:
- 7.14.1 a necessary wayleave is time limited (ordinarily to 15 years, which is far less than the operational lifetime of the Project), and may contain provisions allowing the owner or occupier to terminate prior to such expiry;
 - 7.14.2 whilst a necessary wayleave can bind successors in title, it is not registrable at HM Land Registry in the same way as permanent rights;
 - 7.14.3 the compensation provisions for a necessary wayleave provide less certainty than pursuant to the Order; and
 - 7.14.4 the procedure for obtaining a necessary wayleave is similar in terms of time and cost to the rights acquired pursuant to the Order but affords less protection to the Project.

8. PUBLIC BENEFIT OF THE PROJECT

The Need for the Project

- 8.1 The Project is urgently required to reinforce SEPD's existing electricity distribution network and address current capacity and resilience issues at Thatcham Substation and the wider 132kV distribution network. Under its Distribution Licence, SEPD must plan and develop its systems in accordance with Energy Networks Association Engineering Recommendations (**ENA ER**). ENA ER P2/7 is the current distribution network planning standard. In the near future there will be P2/7 compliance issues for Thatcham and Andover Substations, which means that SEPD is not complying with the current planning standard. In particular, the Thatcham and Andover 132 kV network is expected to be operating beyond its firm rating by 2022 at the latest, with the attendant risk of overloading and failure of electricity supply to customers.
- 8.2 In addition, as a result of this capacity issue, there is a resilience issue: the risk that if one of the two existing 132kV Bramley-Thatcham/Andover OHL circuits is lost during the maintenance period of the other circuit, the capacity at Thatcham Substation available under a Second Circuit Outage scenario (54.6MVA transferable capacity at 33kV level) will not be adequate to supply the P2/7 requirement (one third of total demand) by 2022.
- 8.3 Currently, Thatcham Substation is working at between 95% and 99% capacity, and it is forecast that Thatcham Substation will be working at over 100% capacity by 2025. This is based on a forecasted value that takes into account historic trends in electricity usage but does not consider requests for new connections as a result of future development in the area. Further residential and commercial development, which will also be dependent upon this infrastructure, will create substantial additional demands on an electricity distribution network that is already operating at near capacity. Paragraphs 8.21 – 8.24 below highlight major residential and commercial allocations within relevant development plans. However, even without this new development, electricity usage trends require that the Project be completed.

- 8.4 The Project will result in an additional dual circuit between Thatcham Substation and Ashford Hill Compound Station, such that Thatcham Substation will be served by four 132 kV circuits. This will increase the capacity of Thatcham Substation and ensure a secure supply of electricity to existing and new connections, in compliance with the Planning Standard.
- 8.5 This reinforcement, as part of the wider reinforcement project on the network, will also increase the available capacity at Andover and Amesbury 132/33kV substations. Future work is planned to change the Bramley 132kV busbar configuration. This work will enable an increase in security of supply at Basingstoke, Reading, Burghfield, Thatcham, Amesbury and Andover substations and provide resilience and flexibility to the inter-connected local distribution network for the future.
- 8.6 Conversely, should the Project not proceed, in the near future there will be significant capacity, resilience and compliance issues, with the risk of substation overload and failure of supply. There is a clear need for the Project and the Project provides a substantial public benefit.

The Status of the Project

- 8.7 Please see section 9 for more detail.

National Planning Policy

- 8.8 Whilst the Project is not a nationally significant infrastructure project, the following National Policy Statements (NPSs) are material to, and demonstrate national policy support for, the Project:
- 8.8.1 EN-1 Overarching NPS for Energy 2011 (**EN-1**); and
- 8.8.2 EN-5 National Policy Statement for Electricity Networks Infrastructure 2011 (**EN-5**).
- 8.9 EN-1 is one of a suite of energy NPSs designated by the Secretary of State for Energy and Climate Change under the Planning Act 2008. EN-1 is the overarching NPS providing policies for the whole energy system.

EN-1 Overarching NPS for Energy 2011

- 8.10 EN-1 recognises the need for new electricity infrastructure to connect new sources of supply and to accommodate the increase in demand arising from factors such as the development of new housing and business premises. EN-1 explains that: *“Existing transmission and distribution networks will have to evolve and adapt in various ways to handle increases in demand, but construction of new lines of 132 kV and above will also be needed to meet the significant national need for expansion and reinforcement of the UK’s transmission and distribution networks. It is important to note that new electricity network infrastructure projects, which will add to the reliability of the national energy supply, provide crucial national benefits, which are shared by all users of the system.”* (EN-1 paragraphs 3.7.2 and 3.7.3).
- 8.11 EN-1 concludes, at paragraph 3.7.10, that:
- 8.11.1 *“there is an urgent need for new electricity distribution infrastructure (and in particular for new lines of 132 kV and above) to be provided”*; and
- 8.11.2 *“the need for any given proposed new reinforcement has been demonstrated if it represents an efficient and economical means of reinforcing the network to ensure that it is sufficiently resilient and has sufficient capacity (in the light of any performance standards set by Ofgem) to supply current or anticipated future levels of demand”*.

EN-5 National Policy Statement for Electricity Networks Infrastructure 2011

- 8.12 EN-5 is an electricity networks infrastructure NPS and was developed to provide policy direction on the development of new electricity networks.
- 8.13 EN-5 states that: *“The new electricity generating infrastructure that the UK needs to move to a low carbon economy while maintaining security of supply will be heavily dependent on the availability of a fit for purpose and robust electricity network. That network will need to be able to support a more complex system of supply and demand than currently and cope with generation occurring in more diverse locations.”* (EN-5 paragraph 1.1.1).
- 8.14 EN-5 recognises that where strategic reinforcement of the network is required, the options for the beginning and end points are often fairly limited and the route of connections will need to be developed taking into account a number of factors, including engineering and environmental aspects (EN-5 paragraph 2.2.2).
- 8.15 SEPD has developed the route through an extensive optioneering process (see Section 7 above), taking into account a wide range of environmental considerations such as ecology, drainage, access, heritage, archaeology, landscape and public rights of way. Additionally, technical, ownership and cost requirements have all been incorporated into informing the route and mitigating the impact of the design proposals. SEPD’s approach is fully in line with the approach outlined in EN-5.

National Planning Policy Framework (CLG, 2012, revised 2018 and updated 2019)

- 8.16 The National Planning Policy Framework (CLG, 2012, as revised July 2018 and updated February 2019) (NPPF) is also material to, and demonstrates national policy support for, the Project.
- 8.17 NPPF (paragraph 67) requires that strategic policy-making authorities *“have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment”* and recognises that the supply of new homes can sometimes be best achieved through planning for larger scale developments (paragraph 72) such as those planned in the Thatcham area. Indeed, paragraph 67 a) and b) requires that *“planning policies should identify a supply of : a) specific, deliverable sites for years one to five of the plan period,; and b) specific, developable sites or broad locations for growth, for years 6-10 and , where possible, for years 11-15 of the plan.”*
- 8.18 The NPPF (paragraph 20) includes the requirement for local authorities to *“set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for infrastructure for...the provision of minerals and energy”*. Given that the Project will provide the energy infrastructure required to enable the local planning authorities to meet their housing allocations, the NPPF strongly supports the need for the development.

Local Planning Policy

- 8.19 As explained in section 9, the Project benefits from permitted development rights. However, in addition the Project enjoys planning policy support.
- 8.20 The scheme passes through two local planning authority areas as follows:
- 8.20.1 **West Berkshire District Council:** the majority of the cable route passes through the District Council of West Berkshire (c.4.5km of underground cable route from the Thatcham Substation site); and

- 8.20.2 **Basingstoke and Deane Borough Council:** the remaining cable route (c.0.6km at the south of the route corridor to Ashford Hill Compound Station) passes through the Borough Council of Basingstoke and Deane.

West Berkshire District Local Plan Policies

- 8.21 The relevant development plan policies for the Thatcham area are contained in the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007) and amended by the West Berkshire Core Strategy (2006-2026) in July 2012 and the West Berkshire Housing Site Allocations Development Plan Document in May 2017.
- 8.22 The West Berkshire Core Strategy (2006-2026) Spatial Strategy states that Thatcham will accommodate approximately 900 homes of the total allocation for the District. The majority of this planned growth, approximately two thirds, has already been committed or completed.
- 8.23 The West Berkshire Core Strategy (2006-2026) Spatial Strategy outlines the regeneration and redevelopment of the Kingsland Centre proposes to deliver approximately 17,220 sqm of new floorspace in a mix of uses including retail, residential, office and community space.
- 8.24 West Berkshire Housing Site Allocations Development Plan Document (May 2017) Policy HAS5 includes Land at Lower Way, Thatcham of approximately 3 hectares and with provision for approximately 85 dwellings.

Basingstoke and Deane Borough Council Local Plan 2011-2029

- 8.25 The adopted Local Plan forms part of the statutory development plan for the borough. The development consists of various plans including The Bramley Neighbourhood Plan.
- 8.26 Policy SS5 (Neighbourhood Planning) in the Local Plan 2011-2029 makes an allocation of at least 200 new homes to meet the needs of the village of Bramley to 2029. In March 2015, planning permission was granted for the development of 200 dwellings at a site off Minchens Lane adjacent to Bramley village. Subsequent planning permissions have been granted for 65 houses on land off The Street and 50 houses at Strawberry Fields.
- 8.27 In addition, the Local Plan 2011-2029 makes strategic site allocations for new housing in the following locations adjoining the northern edge of Basingstoke but within Bramley parish: 420 dwellings at Razor’s Farm to be delivered during the period 2017/18 to 2022/23 (policy SS3.3 – Razor’s Farm); and 390 dwellings at Upper Cufaude Farm to be delivered during 2020/21 to 2025/26 (policy SS3.8 – Upper Cufaude Farm). These strategic housing site allocations mean that, over the period to 2029, land for approximately 810 additional new dwellings is allocated in Bramley parish.
- 8.28 The successful delivery of these development site allocations contained within the overall Development Plan for the areas is reliant on the availability of timely and appropriate scale infrastructure. Therefore, it is imperative to facilitate the delivery of sufficient electricity infrastructure to cope with a significant increase in demand for electricity in the Thatcham and Bramley areas, of which the Project is a crucial part.

SEPD’s Statutory Duties

- 8.29 SEPD is required under section 9 of the Electricity Act 1989 to bring forward efficient, coordinated and economical proposals in terms of network design, which requires taking into account current and reasonably anticipated future generation demand.

- 8.30 SEPD's approach also accords with Schedule 9 of the Electricity Act 1989 which places a duty on all transmission and distribution licence holders, in formulating proposals for new electricity networks infrastructure, to *"have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ... do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."*
- 8.31 SEPD's approach to the assessment of alternatives and the factors taken into account, including public consultation, is set out in section 7.

Conclusion

- 8.32 There is strong policy support for the Project. The Project is supported by national energy planning policy and will help deliver key objectives of national and local importance. The need for the Project, and the associated public benefits, are that it:
- 8.32.1 meets an identified urgent national need for new electricity distribution infrastructure;
 - 8.32.2 reinforces the local network to provide required resilience and capacity in light of the required performance standards and current and future electricity demand;
 - 8.32.3 mitigates the risk of overloading and loss of power to residential and business premises; and
 - 8.32.4 represents an efficient, coordinated and economic means of reinforcing the distribution network.
- 8.33 This section of the Statement of Reasons has made it clear that there is a compelling case in the public interest for the confirmation of the Order.

9. THE PLANNING POSITION FOR THE PROJECT

- 9.1 As described in paragraph 1.3, the Project comprises:
- 9.1.1 the Cable Development (underground electricity cables and associated infrastructure including fibre-optic cables, pits and service pillars);
 - 9.1.2 the Compound Works (use of land for construction laydown areas);
 - 9.1.3 the Accesses (construction of accesses for access and egress to the Cable Development to and from the public highway);
 - 9.1.4 the Substation Works (works to connect the Cable Development to Thatcham Substation); and
 - 9.1.5 the Sealing End Works (works to connect the Cable Development to an existing underground electricity cable at Ashford Hill Compound Station).
- 9.2 The Order includes rights in relation to the:
- 9.2.1 The Cable Development;
 - 9.2.2 The Compound Works; and
 - 9.2.3 The Accesses.
- 9.3 The Order does not include any rights in relation to the Substation Works and the Sealing End Works. These works take place within the boundaries of Thatcham Substation and Ashford Hill Compound Station respectively, not on the Order Land.

Overview

- 9.4 The Project does not require planning permission on the basis that it is permitted pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the **GPDO**).
- 9.5 Article 3(1) of the GPDO grants planning permission for certain developments comprised in Schedule 2 to the GPDO, subject to any exception, limitation or condition specified in Schedule 2 to the GPDO. Permitted development rights are also subject to general restrictions specified within Article 3 and Article 4 of the GPDO.

Cable Development

- 9.6 Class B(a) of Part 15 of Schedule 2 to the GPDO (the **Cable PD Right**) permits development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line.
- 9.7 SEPD is a statutory undertaker with the benefit of the Distribution Licence. The Cable Development is for electricity distribution undertaken for the purposes of SEPD's licence, and the Cable Development is comprised within the category of the installation in and under land of an electric line and the construction of shafts and tunnels and the installation of feeder or service pillars.
- 9.8 None of the limitations or conditions in Schedule 2 to the GPDO are applicable to the Cable Development. Therefore, the Cable PD Right grants planning permission for the Cable Development subject to no conditions.

Compound Works

- 9.9 Class A of Part 4 to Schedule 2 to the GPDO (the **Compound PD Right**) permits the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.
- 9.10 None of the limitations in Schedule 2 to the GPDO are applicable to the Compound Works. Therefore, the Compound PD Right grants planning permission for the Compound Works.
- 9.11 Conditions to the Compound PD Right require removal of any building, structure, works, plant or machinery and reinstatement of the land once the Compound Works are carried out. SEPD will comply with these requirements.

Accesses

- 9.12 Class B of Part 2 of Schedule 2 to the GPDO (the **Access PD Right**) permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in Schedule 2 to the GPDO (other than by Class A of Part 2).
- 9.13 The Access Development will be required in connection with development permitted by Class B of Part 15 of Schedule 2 to the GPDO. No accesses are taken from a trunk road or classified road. Therefore, the Access PD Right applies to the Access Development.

9.14 No limitations or conditions apply to the Access PD Right. Therefore, the Access PD Right grants planning permission for the Accesses.

Sealing End Works and Substation Works

9.15 The Sealing End Works comprise cable development and so will be permitted under the Cable PD Right. None of the limitations or conditions in Schedule 2 to the GPDO are applicable to the Cable Development. Therefore, the Cable PD Right grants planning permission for the Sealing End Works subject to no conditions.

9.16 Class A(f) of Part 15 of Schedule 2 to the GPDO (the **Operational Land PD Right**) permits development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of any other development carried out in, on, over or under the operational land of the undertaking.

9.17 SEPD is a statutory undertaker with the benefit of the Distribution Licence. The Substation Works are for electricity distribution undertaken for the purposes of SEPD's licence, and the Substation Works will be undertaken within operational land.

9.18 None of the limitations in Schedule 2 to the GPDO are applicable to the Substation Works and no conditions within Schedule 2 to the GPDO apply to the Operational Land PD Right. Therefore, the Operational Land PD Right grants planning permission for the Substation Works.

9.19 This section is included for completeness as the Order does not include these works.

Environmental Impact Assessment (EIA) Status

9.20 The Project is not EIA development for the purposes of the EIA Directive, and the component parts are not EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the **EIA Regulations**).

9.21 The Project does not have a likely significant effect on any European site for the purposes of the Conservation of Habitats and Species Regulations 2017.

Conclusion

9.22 The Project benefits from planning permission granted under the GPDO. None of the general limitations to permitted development rights or the specific limitations in the relevant Classes of permitted development rights are applicable to the Project.

10. SPECIAL CATEGORY LAND AND OTHER SPECIAL CONSIDERATIONS

10.1 Paragraph 4 of Schedule 3 to the 1981 Act contains restrictions which apply to the acquisition of rights over local authority and statutory undertakers' land. In respect of such land, Network Rail Infrastructure Limited (**Network Rail**) owns land in Plot 1.

10.2 Southern Gas Networks plc (**SGN**) has apparatus in Plots 3, 22, 25 and 29 where the cables cross SGN's pipeline and in Plots 7, 12, 26 and 27 where the cables do not cross SGN's pipeline (and interests but various other plots as detailed in Table 2 of the Order).

10.3 However, paragraph 4(2) of Schedule 3 to the 1981 Act confirms that a compulsory purchase order shall not be subject to special parliamentary procedure where the person acquiring the interest is a statutory undertaker. As SEPD holds the Distribution Licence, it is a statutory undertaker for the purposes of the 1981 Act (by virtue of Schedule 16 to the 1989 Act). Accordingly, special parliamentary procedure does not apply to the Order.

- 10.4 In respect of:
- 10.4.1 Network Rail:
- (a) The Project will cross under an existing railway line which is in the ownership of Network Rail and will require the necessary rights to do so.
 - (b) SEPD is seeking an agreement with Network Rail. At the time of making this Order, the agreement with Network Rail has not been finalised. However, SEPD has an existing master wayleave agreement with Network Rail to regulate matters such as this and SEPD will reach an agreement with Network Rail in accordance with the terms of this agreement.
- 10.4.2 SGN:
- (a) The Project will cross SGN's pipeline in Plots 3, 22, 25 and 29.
 - (b) SEPD is in the process of discussing the impact of the Project with SGN.
 - (c) SEPD does not expect that the cable sections will interfere with the SGN pipeline and that rights sought by SEPD can co-exist with those that exist for the benefit of SGN.
- 10.5 There is a scheduled ancient monument in the vicinity of the project, but this is not subject to the powers of compulsory acquisition that are being sought pursuant to the Order.
- 10.6 A number of undertakers are noted in Table 2 of the Order as being other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981. The Project will not cross or interfere with those undertakers' apparatus.

11. THE FUNDING POSITION

- 11.1 The Project has been costed and the likely costs of implementing the Project (including construction, acquisition of interests in land and payment of compensation in accordance with the Order) is approximately £9 million.
- 11.2 SEPD has allocated this sum to the Project and the funds will meet the capital expenditure for these costs.
- 11.3 SEPD is the holder of the Distribution Licence, and SEPD is regulated by Ofgem. As a distributor of electricity, SEPD receives income from the (Distribution) Use of System (**DUOS**). Each electricity customer's bill includes a use of system charge split between the transmission sector, National Grid and the distribution sector (which includes SEPD). The DUOS charge covers the cost of installing, operating and maintaining the regional distribution network to ensure a safe and reliable electricity supply for all customers which includes maintenance, improvements and investments within the network. The demand for SEPD's network is stable and therefore the revenue from this network is stable. The income derived from the DUOS charge will therefore fund this Project and similar grid resilience projects undertaken by SEPD.
- 11.4 SEPD is subject to price control arrangements (known as RIIO: Revenue = Incentives + Innovation + Outputs) which put into place all funding arrangements to allow SEPD to discharge its duties as a distribution network operator. This includes mechanisms to fund capital costs to construct new, efficient, co-ordinated and economical distribution equipment and also provides provision for associated costs for compulsory acquisitions and incidental costs.
- 11.5 Accordingly, SEPD can meet land acquisition costs and any potential compensation claims as a result of the Order.

12. TIMETABLE / PROGRAMME

- 12.1 No applications for development consent are required as the Project can be constructed pursuant to PD rights.
- 12.2 SEPD's intention is to commence construction of the Project in January 2021, with the Project becoming operational in March 2022. Therefore, the land and rights to be acquired pursuant to the Order will be required in a short timeframe to facilitate delivery of the Project.
- 12.3 There are no impediments to the implementation of the Order or the Project, and there is a reasonable prospect of the Order being exercised and the Project being delivered within a reasonable timescale.

13. RELATED ORDERS OR APPLICATIONS

- 13.1 There are no related applications.
- 13.2 It is not considered that there will be any requirement for a joint inquiry in relation to the Order and any other application for consent.

14. HUMAN RIGHTS

- 14.1 The Order should only be made if there is a compelling case in the public interest. Various rights under the European Convention on Human Rights (**ECHR**) may be engaged in the process of making and considering a compulsory purchase order, including those under Articles 6, 8 and Article 1 of the First Protocol. SEPD recognises that the rights over land sought in the Order interfere with the human rights of those with an interest in the land affected, particularly rights under Article 1 of the First Protocol to the ECHR. As such, SEPD recognises that the Order should be necessary and proportionate and that the purposes for which the rights are sought in the Order must be sufficient to justify this interference with human rights.
- 14.2 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*", i.e. compulsory purchase must be proportionate and in pursuing the public interest the objective to be achieved in making the Order must outweigh the interference with any private rights. Both public and private interests are to be taken into account in the exercise of the acquiring authority's powers and duties. Similarly, any interference with Article 8 rights must be "*necessary in a democratic society*", i.e. proportionate.
- 14.3 In pursuing the Order, SEPD has carefully considered the balance to be struck between individual rights and the wider public interest. Interference with Convention rights, to the extent that there is any, is considered to be justified in order to secure the reinforcement of the electricity distribution network necessary to the secure supply of electricity to existing and future residential properties and businesses.

Entitlement to a Fair and Public Hearing

- 14.4 Such rights require a fair and public hearing in the determination of a person's several and political rights (ECHR, Article 6). This includes property rights and can include opportunities to be heard in a consultation process. The statutory procedures, taken with the right to object and the availability of statutory challenge, satisfy the requirements of Article 6.

Rights to Respect for Private and Family Life and Home

- 14.5 Such rights may be restricted if the infringement is in accordance with the law, has a legitimate aim and is fair and proportionate in the public interest (ECHR, Article 8). It is considered that such interferences as may occur as a result of the Order are in accordance with the law, pursue a legitimate aim and are proportionate having regard to the public interest in the project referred to in this statement.

Peaceful Enjoyment of Possessions (including Property)

- 14.6 Article 1 of the First Protocol does not impair the right to enforce such laws as the State considers necessary to control the use of property in accordance with general interest. It is considered that the Order strikes a fair balance between the public interest in the implementation of the Project and those private rights which will be affected by the Order. Compensation will be available to those who can prove they have a legitimate claim arising from the exercise of compulsory purchase powers.
- 14.7 SEPD has sought to minimise interference with the rights of those with an interest in the land subject to the Order. No land is to be compulsorily acquired and the rights over land to be acquired have been kept to the minimum necessary to permit the comprehensive delivery of the Project.
- 14.8 This Statement of Reasons demonstrates that the public benefits of the Project outweigh the private rights affected, the Order is necessary and proportionate, and that there is a compelling case in the public interest for the exercise of the powers of compulsory acquisition included within the Order.

15. PUBLICITY, OBJECTION PERIOD AND FURTHER INFORMATION

- 15.1 The Order is made during the emergency period occasioned by the Coronavirus outbreak. Most public buildings are closed and, pursuant to the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, persons may only leave their residence for prescribed purposes. As such, it is not possible to place the Order documents on public deposit at a local place.
- 15.2 SEPD has consulted with the Department of Business, Energy & Industrial Strategy, who it is understood have taken advice from the Government Legal Service. Accordingly, the Order, schedules, maps and Statement of Reasons (**the Order Documents**) will be available for viewing on a dedicated website and in hard copy on request, rather than placed on deposit in a public place. The hard copy Order Documents will be available free of charge from SEPD's land agents in the event that any interested party does not have the means to access electronic documents. A USB containing the Order Documents will be enclosed with the statutory notice served on landowners and other parties with an interest in the Order Land.
- 15.3 Other than public deposit, the normal notification procedures will be followed. The local newspaper notices of the making of the Order and the statutory notices served on landowners and other parties with an interest in the Order Land will provide (i) details of the dedicated website and (ii) email, telephone and postal contacts from which a hard copy of the Order Documents may be requested.
- 15.4 SEPD has also provided for an extended period in which objections to the Order may be made. The period is extended by 14 days from the minimum period prescribed in legislation.
- 15.5 The Order Documents are available for inspection at:
<https://dalcourmaclaren.com/bramleythatchamcpo/>

- 15.6 Hard copies of the Order Documents are available on request from SEPD's agent, Dalcour Maclaren at:
- 15.6.1 Email: land.referencing@dalcourmaclaren.com
- 15.6.2 Telephone: 01869 352 725
- 15.6.3 Address: Dalcour Maclaren, 1 Staplehurst Farm, Weston on the Green, Oxfordshire, OX25 3QU
- 15.7 The availability of online and hard copy copies of the Order Documents, the advertisement and notification of such availability to landowners, interested parties and members of the public through the normal notification procedures, and the extended objection period, ensure that no party is prejudiced by the current impossibility of placing the Order Documents at a public place.
- 15.8 A list of documents referred to in this Statement of Reasons is set out in the Appendix and may be inspected on <https://dalcourmaclaren.com/bramleythatchamcpo/>. SEPD reserves the right to add to this list of documents in the event of a public inquiry into the Order.

16. CONCLUSION

- 16.1 The Distribution Licence authorises SEPD to compulsorily acquire land or rights to enable it to operate the Project, including the construction of the Project.
- 16.2 Schedule 3 to the 1989 Act provides that the Secretary of State may authorise SEPD to compulsorily purchase land or rights required for any purpose connected with the carrying on of the activities authorised by the Distribution Licence. The rights to be acquired pursuant to the Order are also required for the purposes connected with the carrying on of the activities which SEPD is authorised to carry out by the Distribution Licence.
- 16.3 The public benefits of the Project outweigh the private rights affected. The construction and operation of the Project is in the public interest and is fully supported by UK energy planning policy.
- 16.4 SEPD is creating new rights compulsorily as opposed to permanently acquiring land. SEPD's approach to the creation of rights follows a proportionate approach in the use of SEPD's powers of compulsory acquisition.
- 16.5 SEPD's approach is to only acquire the interests that it requires over the various plots within the Order. Not all plots require the same rights, and so SEPD will compulsorily acquire different classes of rights over different plots. This also follows a proportionate approach to the use of SEPD's powers of compulsory acquisition.
- 16.6 There is a compelling case in the public interest for the exercise of the powers of compulsory acquisition included within the Order.
- 16.7 There are no impediments to the implementation of the Order.
- 16.8 The Secretary of State should confirm the Order.

APPENDIX
LIST OF DOCUMENTS

1. Engineering Recommendation P2/7: Security of Supply, Energy Networks Association, 2019.
2. Ashford Hill to Thatcham: 132kV Feasibility Risk Report, Dalcour Maclaren, 2018.
3. Overarching National Policy Statement for Energy (EN-1), Department of Energy and Climate Change, 2011.
4. National Policy Statement for Electricity Networks Infrastructure (EN-5), Department of Energy and Climate Change, 2011.
5. National Planning Policy Statement, Ministry of Housing, Communities & Local Government, 2019.
6. West Berkshire Core Strategy (2006-2026) Spatial Strategy, Area Delivery Plan Policy 3 – Thatcham, West Berkshire Council, 2012.
7. West Berkshire Housing Site Allocations Development Plan Document - Policy HAS5: Land at Lower Way, Thatcham, 2017.
8. Basingstoke and Deane Local Plan (2011 to 2029), Basingstoke and Deane Borough Council, 2016.