

REBUTTAL – EAST RIDING OF YORKSHIRE COUNCIL STATEMENT OF CASE

1. INTRODUCTION

- 1.1 This rebuttal Statement of Case is written on behalf of National Grid Electricity Transmission plc (NGET) in response to the Statement of Case submitted on 23 February 2024 by East Riding of Yorkshire Council (ERYC).
- 1.2 ERYC objected to the confirmation of the Order and subsequently submitted the aforementioned Statement of Case. It is not certain whether ERYC will attend the inquiry, therefore this rebuttal Statement of Case is prepared in order to respond to each of the outstanding points raised within Section 4 of the ERYC Statement of Case.
- 1.3 The Statement of Case was submitted by Adam Lewis Milner on behalf of ERYC, in its capacity as a landowner affected by the Order. In respect of engagement, NGET maintain that it has engaged extensively with ERYC and has been proactive in its correspondence. Full details of engagement to date can be found at the Schedule to this rebuttal, and an overview is given in the Proof of Evidence of Camilla Horsfall.

2. PLOTS 45/1237, 45/1239, 45/1240 & 46/1255

- 2.1 ERYC have raised concern in relation to these plots on the basis that ERYC anticipates that this land will have a future use for leisure and tourism purposes.
- 2.2 Throughout engagement to date, ERYC have not set out any specific proposals to NGET for how it intends to use the land in the future.
- 2.3 ERYC have also not been able to evidence any specific local planning policy which specifies specific plans for development or use of the land. ERYC have noted historic planning policy within its Statement of Case, which it specifically notes has been superseded. In preparing the English Onshore Scheme, NGET took into consideration the policy which was in force at the time of the application. NGET would work with ERYC to facilitate an alternative access if ERYC did have development aspiration. Otherwise, NGET notes that this a matter for compensation as identified by the Council.
- 2.4 NGET are seeking to cause minimal disruption wherever possible and, on this basis, would prefer to use this existing access track rather than develop a new access, which would have a greater impact on the surrounding area. Further to this, ERYC suggest at paragraph 4.15 of their Statement of Case that if the rights are to be granted over these plots, this should be accompanied with a requirement for a ‘lift and shift’ clause. This is not something which ERYC have raised with NGET in any previous correspondence. NGET have considered this point. This would not be acceptable from a cost or engineering perspective at this location given the national significance of the Project and the associated costs of any such lift and shift (which would be impracticable as it would also involve lift and shift in the marine environment). NGET note that this should come down to a matter of scheme design should planning policy ever support a development in this location (i.e. ERYC could factor the presence of the Project into its scheme design) and/or compensation, which is not a relevant point for the purposes of the Inquiry.
- 2.5 NGET acknowledges that in order to access plot 46/1255, access will need to be taken over a private access road. NGET intends to pursue voluntary negotiation with ERYC in relation to obtaining access over this road. Attempts to pursue a voluntary agreement have been made by NGET, however ERYC stated in a meeting recently that they will not enter discussions in relation to a voluntary agreement until *after* the Order is confirmed. In practise it will form part of the

voluntary blue land area for the purposes of Heads of Terms, rather than be marked as a 'brown access route' to address ERYC's concern about impeding future development there. Within the voluntary agreement we will ensure that access to the cable access route is always secured.

3. PLOTS 46/1251E, 46/1251F & 46/1251G

- 3.1 ERYC have raised concern that NGET are seeking to obtain rights over plots which form part of the public adopted highway network.
- 3.2 As part of NGET's land referencing, highways searches were undertaken, and these plots were not identified as public adopted highway. Therefore, NGET's approach has been to acquire Access Rights and Temporary Access Rights over these plots of land. In the event that these plots are now identified as public adopted highway and there are in fact existing rights by virtue of this, as suggested by ERYC, the rights sought under the Order for access are no more burdensome than the existing rights.

4. PLOTS 45/1251A, 46/1251B & 46/1251C

- 4.1 ERYC's final concern relates to access over the beach. These plots are public open space, within the meaning of the Acquisition of Land Act 1981 (**CD A.27**). Therefore, the Order cannot be confirmed unless the Secretary of State for the Department of Levelling Up, Housing and Communities (a different Secretary of State to the Secretary of State who must confirm the Order) has issued a certificate pursuant to Paragraph 6(1)(a) of Schedule 3 to the Acquisition of Land Act 1981.
- 4.2 As noted in section 7 of NGET's Supplementary Statement of Case, the Secretary of State issued their notice of intention to issue a certificate pursuant to Paragraph 6(1)(a) of Schedule 3 to the Acquisition of Land Act 1981 on 9 November 2023.
- 4.3 NGET subsequently publicised notice and served notice on all prescribed persons. The objection period expired on 10 January 2024 with no objections being raised.
- 4.4 The Secretary of State published a certificate pursuant to Paragraph 6(1)(a) of Schedule 3 to the Acquisition of Land Act 1981 on 18 January 2024. The certificate confirms that the relevant Secretary of State is satisfied that the relevant land, when burdened with the CPO rights described, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.
- 4.5 NGET published notice on 6 February 2024 to confirm that the certificate has been issued. The certificate therefore became operative on 6 February 2024.
- 4.6 NGET requires access rights over the beach to ensure that the scheme can be constructed and maintained. Such rights should not be subject to prior approval by ERYC. However, in practical terms and as ERYC explains, the rights will not need to be exercised frequently once the scheme is constructed.

CPO Reference	BEIS Reference	Land Interest Name/Organisation	Land Agent name	Type of interest & if Temporary/Permanent rights	Plot Nos	Date of Contact	Contact purpose i.e change request	Action and Agreed Output	Form of contact
SEGL2/11564, YEA55915, YEA56914, YEA59090, YEA61777, YEA62052, YEA77311, YEA77391 & Z2970Z YEA25954 YEA61770 HS23385	OBJ17	East Riding of Yorkshire Council	Adam Milner	Freeholder-permanent cable rights Freeholder - landscaping rights Freeholder - access	5/223, 5/210, 5/211, 20/593, 20/594, 20/595, 20/587, 22/671, 22/673, 22/665, 22/642, 22/636, 32/868, 32/867b, 33/927, 33/925, 33/928, 33/924, 33/926, 33/926a, 44/1234, 44/1232, 44/1230, 44/1233, 45/1250, 45/1249, 45/1248, 45/1239, 44/1237, 44/1238, 44/1236, 44/1235, 46/1251e, 46/1251g, 46/1251c, 46/1255	19.02.21	Introduction letters sent to proposed affected landowners including covering letter, newsletter, and survey access letter & plan	NMV and MF met with the tenants and agent to go through the drainage and operations questionnaire.	
						13.04.21	LIQ issued to landowner		
						13.05.21	LIQ follow up with landowner		
						11.10.21	Intrusive chasers sent via post & email to agent		
						03.12.21	LIG meeting to give overview of project and review initial questions and queries of proposed works		
						09.12.21	Letter sent from FG notifying landowner to appoint an agent and outlining that agent fees will be reasonably paid		
						27.04.22	Email with AM & DC to arrange site meeting for 6th May		
						28.04.22	Amended intrusive licence sent via email to AM. Multiple emails ref NI licence between AM DC		
						03.05.22	Response from ERYC ref intrusive licences		Letter
						10.05.22	Intrusive and non-intrusive counter signed licences returned to ERYC		
						15.12.22	HoT issued		
						19.12.22	Drainage & Farming Operations Meeting		
						19.01.23	Invitation to attend the landowners information event		
						07.02.23	Tenants attended the landowners information event and spoke to Richard Gott & Tony Dyas in depth		
						21.02.23	Drainage & Farming operations meeting		
						27.02.23	Email to Agent to set up meeting with NG marine engineer		Email
						15.03.23	Email to chase agent on meeting		
						28.04.23	Non Invasive LDC licence letter emailed to Adam Milner		Letter including email to agent

				16.06.23	2nd HoTs issued		
				25.07.23	Comms with Adam Milner (NMV) - survey access		Letter including email to agent
				18.08.23	Project Update Letter sent		
				12.09.23	CPO Notice Issued		
				22.09.23	BH emailed agent to remind him of incentive deadline and to try and arrange meeting		
				18.10.23	DC and NMV met with AM to discuss HoT. AM had not reviewed docs.		
				20.10.23	Email from AM outlining matters discussed		
				08.11.23	Email from AM to DT forwarding on email above		
				14.11.23	Response sent by DT to above		
				16.11.23	AM emailed DT and requested HoTs documents ahead of meeting		
				21.11.23	DT replied to above email asking to rearrange meeting		
				27.11.23	DT emailed AM to postpone meeting due to a family bereavement		
				29.11.23	BH sent AM requested HoTs documents		
				06.12.23	Email from AM requesting split payment schedules		
				06.12.23	Acknowledgement email response sent by BH and requested meeting on 11.12.23		
				06.12.23	AM responded with availability		
				14.12.23	BH sent AM split payment schedules as requested		
				05.01.24	BH phoned and left VM trying to arrange meeting		
				05.01.24	BH sent follow up email requesting availability for meeting		
				09.01.24	DT emailed asking for a meeting		
				25.01.24	DT emailed AM asking for a meeting		
				09.02.24	DC along with CH & BH met with agent to discuss HoT. Primary concerns at this stage relate to access provisions and extent of blue land. Agent confirmed he had not read HoT in detail. Agreed possible way forward re access and also agreed to review blue land. See meeting minutes in file		

