

DATE: 5 SEPTEMBER 2023

**THE NATIONAL GRID (SCOTLAND TO ENGLAND GREEN LINK 2)
COMPULSORY PURCHASE ORDER 2023**

PUBLIC OPEN SPACE STATEMENT

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

ELECTRICITY ACT 1989

ACQUISITION OF LAND ACT 1981

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1. INTRODUCTION

- 1.1 National Grid Electricity Transmission plc (company number 02366977 of 1 - 3 Strand, London, WC2N 5EH) (**NGET**) is the holder of an electricity transmission licence (the **Transmission Licence**), granted pursuant to section 6(1)(b) of the Electricity Act 1989 (the **1989 Act**).
- 1.2 NGET is promoting and developing proposals for a subsea High Voltage Direct Current Link (**HVDC**) between Peterhead in Aberdeenshire and Drax in North Yorkshire (**Project**). The Project has been proposed in partnership with Scottish and Southern Electricity Networks (**SSEN**) which is the transmission owner for northern Scotland and responsible for the onshore and offshore aspects of the project in Scotland.
- 1.3 Onshore in England, the Project comprises approximately 69 km of underground HVDC cable from the landfall at Fraisthorpe through East Riding of Yorkshire, across the River Ouse into Selby District to a converter station at Drax, adjacent to the Drax Power Station. The converter station will be connected to the existing substation at Drax, the Drax Power Station. The existing substation at Drax Power Station will be connected to the converter station by approximately 500m of High Voltage Alternating Current (**HVAC**) cable. The substation connects the Project to the existing transmission system (together the **English Onshore Scheme**).
- 1.4 NGET has made The National Grid Electricity Transmission plc (Scotland to England Green Link 2) Compulsory Purchase Order 2023 (the **Order**) under the provisions of the 1989 Act. The Order has been made in order to acquire the compulsory acquisition of land and rights necessary to deliver the English Onshore Scheme components of the Project. A Statement of Reasons accompanies the Order. The Statement of Reasons sets out the extent of the English Onshore Scheme and NGET's justification for seeking compulsory purchase powers within the Order. The 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.
- 1.5 This public open space statement has been prepared to support a request to the Secretary of State to grant a certificate pursuant to Paragraph 6 of Schedule 3 to the Acquisition of Land Act 1981 (the **1981 Act**) in respect of the compulsory acquisition of rights over land comprising open space.

2. THE PROJECT INFRASTRUCTURE

- 2.1 The English Onshore Scheme includes the construction of a new HVDC cable from the landfall at Fraisthorpe through East Riding of Yorkshire, across the River Ouse into Selby District to a converter station at Drax, adjacent to the Drax Power Station. The HVDC Cable will cross land which falls within the definition of open space pursuant to Schedule 3 to the 1981 Act.

3. THE PLANNING POSITION FOR THE ENGLISH ONSHORE SCHEME

- 3.1 Planning permission was granted on 3 March 2023 with reference 22/01990/STPLFE by East Riding of Yorkshire Council for the construction of sub-surface cable route from Drax Power Station to Fraisthorpe Coastline with associated accesses and temporary construction compounds in association with the Project.

3.2 Planning permission was granted on 11 August 2023 with reference 2022/0711/EIA by North Yorkshire Council. It is a hybrid planning permission comprising two parts. Part 1 is an outline planning permission (all matters reserved) for the construction of a converter station at Drax, Selby. Part 2 is a full planning permission for the installation of HVDC underground cables from the River Ouse to the converter station and HVAC underground cables from the converter station to the existing Drax Substation as well as all associated temporary works including compounds, accesses and bellmouths as part of the construction of the Project.

4. PUBLIC OPEN SPACE: THE ACQUISITION OF RIGHTS

Summary

4.1 Plots 45/1250, 45/1251, 45/1251a, 45/1252, 45/1253, 45/1254, 46/1251b and 46/1251c comprise the beach, foreshore and sea (the **Beach**) and is subject to the acquisition of rights pursuant to the Order.

4.2 Although the Beach has no formal designation as open space, it is currently in use as informal public open space and is accessible by the general public. Therefore, the provisions of Schedule 3 to the 1981 Act are engaged. This is because of the definition of open space as meaning: “*any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground*”.

4.3 As the Order will authorise the acquisition of rights over land forming part of open space (the Beach) it will be subject to special parliamentary procedure (**SPP**) unless the Secretary of State is satisfied (and certifies accordingly) that the land, when burdened with that right, 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 (the **Rights Test**).

The Beach

4.4 Plots 45/1250, 45/1251, 45/1251a, 45/1252, 45/1253, 45/1254, 46/1251b and 46/1251c comprise the beach, foreshore and sea. This area totals 99,400.35 squared metres. The Beach is in different ownership and this land is described in Appendix 1 to this statement.

4.5 There is precedent for interconnector projects to treat areas of beach as open space and secure certificates from the Secretary of State before confirmation of the CPO¹. These projects also set a precedent in the grant of such certificates pursuant to the Rights Test for similar projects.

4.6 The Beach (save for plots 45/1251a, 46/1251b and 46/1251c) will be subject to the Landfall Rights, with an HVDC Cable installed beneath the Beach using trenchless installation techniques. The Landfall Rights are set out in full at Appendix 2. The use of the Beach, when burdened with these rights, 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

¹ For example, The National Grid North Sea Link Limited (East Sleekburn) Compulsory Purchase Order 2016 and The FAB Link Limited (Budleigh Salterton to Broadclyst) Compulsory Purchase Order 2016

before. This is because, following construction of the Project, the HVDC Cables will be situated below ground and public access will remain available over the entire area of the Beach. Any disturbance caused by the exercise of the rights will be temporary.

- 4.7 The remainder of the Beach, comprising plots 45/1251a, 46/1251b and 46/1251c, will be subject to Access Rights and Temporary Access Rights. These are set out in full in Appendix 2. The use of the Beach, when burdened with these rights, 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. This is because, the access will be required temporarily during construction and only in the event of maintenance will any permanent rights be utilised. As such, any disturbance caused by the exercise of the rights will be temporary.
- 4.8 NGET requests that the Secretary of State certify under paragraph 6(1)(a) of Schedule 3 to the 1981 Act that the Beach, when burdened with the the Landfall Rights, the Access Rights and the Temporary Access Rights 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.

5. CONCLUSION

- 5.1 The Beach satisfies the Rights Test. These parcels of land when burdened with the rights pursuant to the Order, 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. NGET requests that the Secretary of State certify under paragraph 6(1)(a) of Schedule 3 to the 1981 Act accordingly.

APPENDIX 1
THE BEACH

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or Reputed Owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
45/1250	Acquisition of Landfall Rights over 9192.36 square metres of coastal slope, lying north of Auburn Farm, south of South Holme, in the Parish of Carnaby Z2970Z	East Riding of Yorkshire Council County Hall Cross Street Beverley HU17 9BA	NONE	NONE	East Riding of Yorkshire Council County Hall Cross Street Beverley HU17 9BA
45/1251	Acquisition of Landfall Rights, except in respect of interests held by or on behalf of The Crown Estate over 4459.01 square metres of foreshore, lying north east of Auburn Farm, south of Stackyard Farm, in the Parish of Carnaby Unknown/Unregistered	Unknown The Kings Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH <i>(in respect of foreshore)</i>	NONE	NONE	The Kings Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH <i>(in respect of foreshore)</i>
45/1251a	Acquisition of Access Rights and Temporary Access Rights, except in respect of interests held by or on behalf of The Crown Estate over 706.70 square metres of foreshore, lying east of South Holme, north east of Auburn Farm, in the Parish of Carnaby Unknown/Unregistered	Unknown The Kings Most Excellent Majesty in Right of His Crown c/o The Crown Estate Commissioners 1 St. James's Market London SW1Y 4AHY <i>(in respect of foreshore)</i>	NONE	NONE	The Kings Most Excellent Majesty in Right of His Crown c/o The Crown Estate Commissioners 1 St. James's Market London SW1Y 4AH <i>(in respect of foreshore)</i>
45/1252	Acquisition of Landfall Rights, except in respect of interests held by or on behalf of The Crown Estate over 74306.72 square metres of foreshore, lying north east of Auburn Farm, south east of South Holme, in the Parish of Carnaby and Barmston YEA53501	The Kings Most Excellent Majesty in Right of His Crown c/o The Crown Estate Commissioners 1 St. James's Market London SW1Y 4AH	NONE	NONE	The Kings Most Excellent Majesty in Right of His Crown c/o The Crown Estate Commissioners 1 St. James's Market London SW1Y 4AH

45/1253	Acquisition of Landfall Rights, except in respect of interests held by or on behalf of The Crown Estate over 3075.48 square metres of sea, lying north east of Auburn Farm, south east of South Holme, in Non civil Parish area Unknown/Unregistered	Unknown The Kings Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH	NONE	NONE	The Kings Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH
45/1254	Acquisition of Landfall Rights, except in respect of interests held by or on behalf of The Crown Estate over 1009.48 square metres of sea, lying north east of Auburn Farm, south east of South Holme, in Non civil Parish area Unknown/Unregistered	Unknown The Kings Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH	NONE	NONE	The Kings Most Excellent Majesty In Right Of His Crown c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH
46/1251b	Acquisition of Access Rights and Temporary Access Rights, except in respect of interests held by or on behalf of The Crown Estate over 3456.81 square metres of foreshore, lying east of Carnaby Moor and south east of Stackyard Farm, in the Parish of Carnaby Unknown/Unregistered	Unknown The Kings Most Excellent Majesty in Right of His Crown C/o The Crown Estate Commissioners 1 St. James's Market London SW1Y 4AH (in respect of foreshore)	NONE	NONE	The Kings Most Excellent Majesty in Right of His Crown C/o The Crown Estate Commissioners 1 St. James's Market London SW1Y 4AH <i>(in respect of foreshore)</i>
46/1251c	Acquisition of Access Rights and Temporary Access Rights over 3193.79 square metres of foreshore, lying east of Hill Farm and south of Wilsthorpe Plantation, in the Parish of Carnaby Z2970Z	East Riding of Yorkshire Council County Hall Cross Street Beverley HU17 9BA	NONE	NONE	East Riding of Yorkshire Council County Hall Cross Street Beverley HU17 9BA

APPENDIX 2

LANDFALL RIGHTS

“**electricity infrastructure**” means the underground cables (including wires, earth wires, fibre optic cables and other communication cables, pipes, coatings and ducts), connections, cable draw pits, cable joints, cable marker posts, cable terminals, earth bonding and tape, drains, culverts, fibre optic pits, inspection boxes, trenches, marking bands, protective boards or tiles, jointing pits, link boxes, manholes, monitoring equipment, apparatus, conductors, supports, plant, equipment, pillars, warning tape, sheaths and other underground or overground equipment and apparatus associated with or ancillary to such underground cables

Rights	Description of Rights
Access Rights	<p>All rights necessary to access the Order Land and adjoining land including to:</p> <ul style="list-style-type: none"> a) access the Order Land and adjoining land for the purposes of constructing, installing, commissioning, inspecting, surveying, maintaining, repairing, altering, renewing, replacing and removing or decommissioning the electricity infrastructure and/or the establishment, use and removal of works compounds, and carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; b) carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities; c) access the Order Land and adjoining land use for horizontal directional drilling, where appropriate, for the installation of the cables; d) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Access Rights; e) prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of the Access Rights; f) make good any damage caused in connection with the exercise of these Access Rights; and <p>carry out any activities ancillary or incidental thereto.</p>
Landfall Rights	<p>All rights necessary for the purposes of or incidental to the construction, retention, commissioning, operation, protection, maintenance, surveying, repair, renewal, replacement, removal and decommissioning of the electricity infrastructure, including to:</p> <ul style="list-style-type: none"> a) access the land and adjoining land with or without vehicles, personnel and plant, machinery, apparatus, equipment and materials for such purposes; b) use horizontal directional drilling, where appropriate, for the installation of the electricity infrastructure; c) carry out de-watering and drainage works and install, alter, reinstate or remove land drainage systems; d) enter the land and carry out surveys and investigations, including aerial surveys (including the right to fly an unmanned aircraft over the land and to enter and retrieve and recover any such unmanned aircraft from the land); e) protect and prevent damage to or interference with the operation and maintenance of the electricity infrastructure; f) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the electricity infrastructure; g) prevent and remove any works on or use of the land that would prevent access to or the operation and maintenance of the electricity infrastructure; h) prevent changes to the use, or level of the surface of, the land; i) make good any damage caused in connection with the exercise of these Landfall Rights; and g) carry out any activities ancillary or incidental thereto.
Temporary Access Rights	<p>All rights necessary to access the land and adjoining land during construction and commissioning including to:</p> <ul style="list-style-type: none"> a) access the Order Land and adjoining land for the purposes of constructing and commissioning the electricity infrastructure and/or the establishment, use and removal of works compounds, and carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;

	<ul style="list-style-type: none">b) access the land and adjoining land to use horizontal directional drilling, where appropriate, for the installation of the cables;c) carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of water courses and drains, modifying road verges and junctions and installing, using, altering, diverting, and removing services and utilities;d) fell, trim or lop trees, shrubs, hedges and bushes and to clear and remove any and all vegetation which may damage, obstruct or interfere with the exercise of these Temporary Access Rights;e) prevent and remove any works or use of the land which may interfere with or obstruct such access or the exercise of the Temporary Access Rights;f) make good any damage caused in connection with the exercise of these Temporary Access Rights; and carry out any activities ancillary or incidental thereto.
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