

The proposed development pursuant to the proposed Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order ("Project")

Transport and Works Act 1992

Transport and Work (Inquiries Procedure) Rules 2004
State of Case of National Grid Electricity Transmission Plc (“ NGET”)

Introduction

This Statement of Case is submitted on behalf of National Grid Electricity Transmission Plc (“NGET”) in respect of the Project, and in particular NGET’s existing infrastructure and land interests which are located within and in close proximity to the proposed Order Limits.

The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order ("the Order") seeks powers by Network Rail ("the Applicant") for the construction, maintenance and operation of works, including works for the electrification of the railway between Stalybridge and Diggle (Saddleworth).

NGET understands that the Applicant is seeking temporary and permanent rights over several plots of land owned by, or containing, NGET assets or rights as set out in Appendix 1. It is also understood that works required for the delivery of the Project will directly impact NGET's access to its Stalybridge Substation ("the Site") (illustrated with the red pin on the plan below).



NGET's Statutory Duties

In its capacity as an electricity transmission licence holder under the Electricity Act 1989, NGET is required to develop and maintain an efficient, co-ordinated and economical transmission system and to facilitate competition in electricity generation and supply.

As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and to ensure that any development does not adversely affect those statutory obligations.

NGET must protect its position by ensuring that the Order does not prejudice its statutory duties, including the operation, maintenance and access to its infrastructure and land located within or near the draft Order Limits.

NGET will therefore require the following from the Applicant;

- appropriate protection for retained apparatus, including compliance with relevant standards and clearances for works proposed within close proximity of its apparatus
- Protection of and confirmation that NGET's rights of access to inspect, maintain, renew and repair its apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted.
- written confirmation from the Applicant and legal protections to ensure that it will not be seeking to move or interfere with any existing NGET infrastructure within or in close proximity to the Order limits.
- written agreement with the Applicant that no powers of compulsory acquisition of NGET's land interests will be sought in or exercised pursuant to the Order.
- where rights are sought over its land that NGET's due processes will be followed in order for NGET to grant the Applicant with its required easements.
- Clarity in respect of why the acquisition of plots 2-031B, 2-031C and 2-032B is necessary as opposed to rights over that land.
- Confirmation and demonstration that access to the Site will remain unfettered at all times during the construction of the Project and legal protections to ensure unfettered access.

Further discussion and engagement is required with the Applicant to fully understand the impact of the Order on NGET land and infrastructure and construction timescales to enable NGET to fully understand the protections it requires and to seek to reach an agreement with the Applicant to secure such protections..

Existing NGET Apparatus

NGET owns and operates the following assets that are located within or in close proximity to the Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets impacted by the Order are as follows:

Substations:

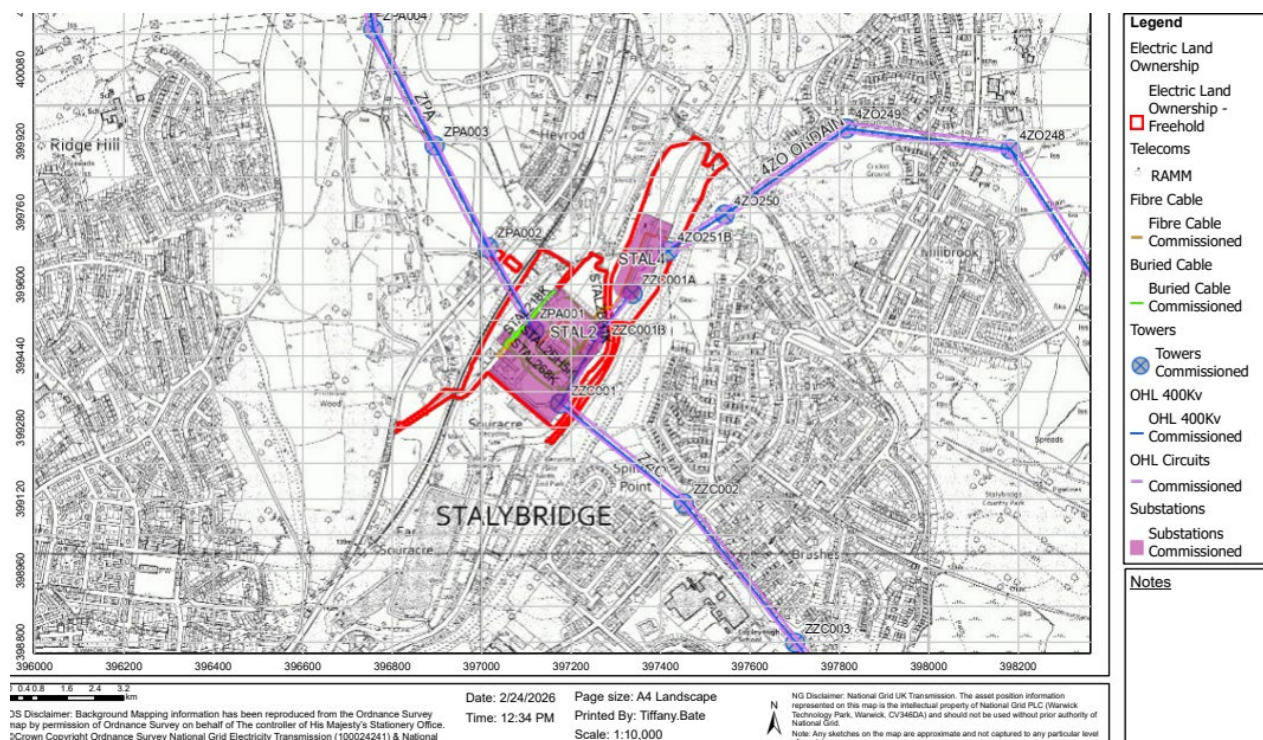
- Stalybridge 400 kV Substation
- Stalybridge 275 kV Substation
- Stalybridge 25 kV Substation
- Associated overhead and underground apparatus including cables

Overhead Lines (OHL):

- ZPA 400 kV OHL ROUTE

Circuit 1	Rochdale – Stalybridge
Circuit 2	Elland- Stalybridge
- Associated cable fibre

Please see plan below depicting NGET assets and land ownership.



Future NGET Apparatus

[There are currently no known interactions with NGET new infrastructure projects,] however NGET must ensure adequate protection for its future projects both in terms of protection for future assets and future land and rights for the delivery of these projects.

Overarching National Policy Statement (NPS) for Energy EN-1 states that “[to support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK’s net zero energy generation development” (para 4.11.3).

NGET will co-operate on co-ordination in respect of any future projects and would request that the Applicant does likewise in line with good practice and the policy considerations in the updated Energy NPSs.

Site Access

In addition to ensure protection of its apparatus, NGET has concerns about potential disruption to the access road (during construction of the Project) to NGET's Stalybridge Substation (via the junction of Wakefield Road and Printworks Road), which is within NGET's land ownership. Access to NGET's substations must remain unfettered at all times.

Protection of NGET Assets

NGET is aware that a form of protective provisions for the protection of undertakers (the "Protective Provisions") has been included by the Applicant in Schedule 17 of the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) draft Order. (Document NR02: Draft Order) (the "Order") for the Project.

It is positive that the Applicant is seeking the inclusion of Protective Provisions for the benefit of statutory undertakers, however the draft Protective Provisions currently included in the draft Order, do not reflect NGET's standard approach and are considered unacceptable as currently drafted. NGET is seeking to engage with the Applicant to furnish it with its required Protective Provisions and regarding an accompanying side legal agreement.

As such, the Protective Provisions are not yet agreed.

In accordance with standard practice, NGET will also require the Applicant to provide an undertaking for its legal costs in the negotiation of appropriate Protective Provisions and associated side agreement.

In the absence of an agreed form of Protective Provisions and associated side agreement, and until agreement thereof, NGET objects to the proposed Order, including the compulsory acquisition, temporary possession of, or interference with, its assets, land or rights over its land.

NGET requests that the Applicant engage with it in relation to how the Applicant will ensure protection for retained NGET assets, along with facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations.

NGET will continue to engage with the Applicant in this regard with a view to concluding matters as soon as possible during the TWAO process and will keep the Inspector and Secretary of State updated in relation to these discussions.

Compulsory Acquisition Powers in respect of the Project

Where the Applicant seeks powers of compulsory acquisition over NGET land or rights, it is NGET's preference that any required rights are obtained by agreement with NGET, the Applicant having gone through NGET's required processes, including to ensure no adverse impacts on NGET's operations. NGET does not agree to the inclusion in the Order of any powers to compulsory acquire or override any land, rights or interests of NGET.

Next Steps

NGET will continue to liaise with the Applicant with a view to seeking to establish whether the Project and Order can be made acceptable and seeking to reach a satisfactory agreement during the TWAO process which protects NGET's interests and operations. NGET will keep the Inspector and Secretary of State updated in relation to these discussions.

NGET reserves the right to make further representations as part of the TWAO process in relation to specific interactions with any NGET assets or projects identified during the process, and as negotiations continue, and in respect of the Protective Provisions and associated side agreement.

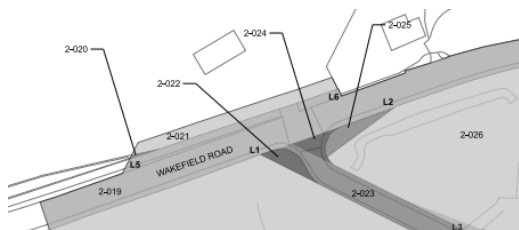
List of Documents

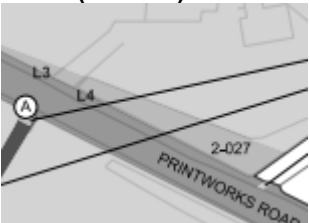
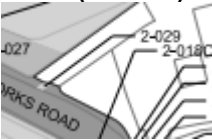
The following is a list of the documents which NGET presently intends to refer to or put in evidence at the public inquiry.

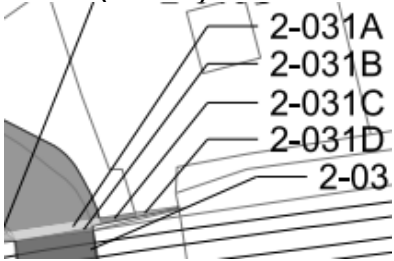
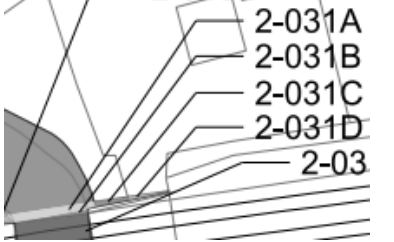
NGET reserves the right to refer to further documents if and insofar as they may become relevant or necessary.

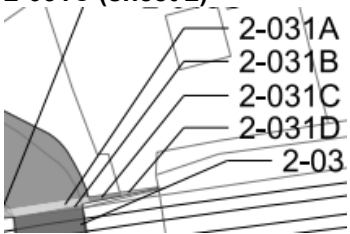
<u>Document Reference</u>	<u>Document</u>
<u>Appendix 1</u>	National Grid land interests included within The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order
Document NR02: Draft Order	Schedule 17 of the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) draft Order

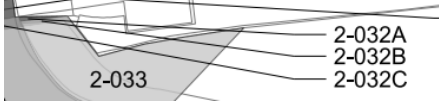
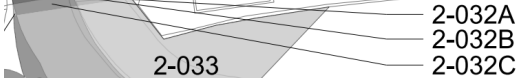
National Grid land interests included within The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order

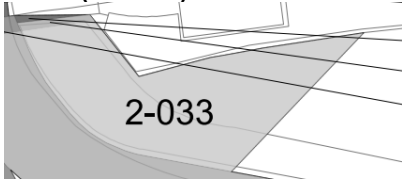
Number on plan	Extent and description of the land or property	Freehold owners or reputed freehold owners	Tenants occupiers or	Purpose for which land may be acquired
2-022 (sheet 2) 	98.92 Square metres Grass verge and stone wall. To the southeast of the junction between Wakefield road and Printworks road, Stalybridge.	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996)	Temporary possession (articles 8 and 31) Temporary possession for "working site and access for construction and highway improvement works"
2-023 (sheet 2) 	1,327.07 Square meters Public Road (Printworks Road), public footpath.	National Grid Electricity Transmission PLC Tameside Metropolitan Borough Council (in respect of adopted highway)	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	Temporary possession (articles 8 and 31) Temporary possession for "working site and access for construction and highway improvement works"

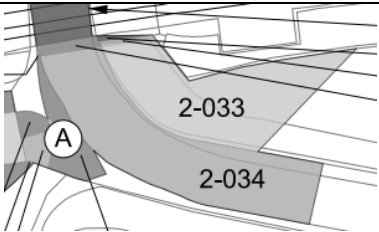
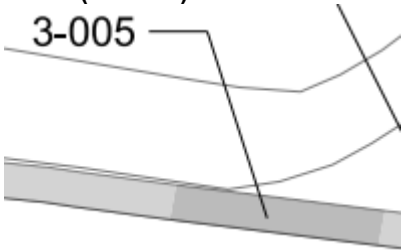
2-027 (sheet 2) 	322.59 Square metres Grass verge, stone wall, vegetation To the south of Printworks Road, Stalybridge	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996)	Temporary possession (articles 8 and 31) Temporary possession for "working site and access for construction"
2-029 (sheet 2) 	3.02 Square metres Private driveway To the north of Printworks Road, Stalybridge	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000)	Temporary possession (articles 8 and 31) Access for construction, Railway infrastructure works and utility diversions

			2000)	
			Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	
2-031A (sheet 2) 	6.94 Square metres Part of road, pavement, stone wall at Land at Stalybridge sub-Station Printworks road Heyrod Stalybridge SK15 3BD	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	Article 27 - "imposition of restrictive covenants in airspace over land only – protection and maintenance of railway electrical equipment"
2-031B (sheet 2) 	1.64 Square metres Part of road, pavement, stone wall under bridge (Printworks Road MVL3/5) at Land at Stalybridge sub-Station Printworks	National Grid Electricity Transmission PLC Network Rail Infrastructure Limited	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained	Acquisition of land for certain works (articles 8 and 24) – Provision of railway infrastructure and railway electrification works

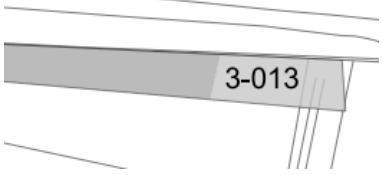
	road Heyrod Stalybridge SK15 3BD		within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	
2-031C (sheet 2) 	1.66 Square metres Part of stone wall, part of fence, shrubs, drain at Land at Stalybridge sub- Station Printworks road Heyrod Stalybridge SK15 3BD	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights granted by a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights granted by a Conveyance dated 17 April 1996) Unknown (in respect of rights granted by a Transfer dated 26 September 2000) (in respect of restrictive covenants and rentcharges) Network Rail Infrastructure Limited (in respect of rights granted by a Transfer dated 8 October 2020)	Acquisition of land for certain works (articles 8 and 24) - Provision of railway infrastructure and railway electrification works

2-032B (sheet 2) 	5.58 Square metres Grass bank, shrubs at Land at Stalybridge sub-Station Printworks road Heyrod Stalybridge SK15 3BD	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	Acquisition of land for certain works (articles 8 and 24) - Provision of railway infrastructure and railway electrification works
2-032C (sheet 2) 	13.06 Square metres Public Highway (Printworks Road) next to railway bridge (Printworks Road MVL3/5) at Land at Stalybridge sub-Station Printworks Road Heyrod Stalybridge SK15 3BD	National Grid Electricity Transmission PLC Tameside Metropolitan Borough Council in respect of adopted highway)	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained	"imposition of restrictive covenants in airspace over land only – protection and maintenance of railway electrical equipment" Temporary possession (articles 8 and 31) Working site and access for construction

			within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	
2-033 (sheet 2) 	259.39 Square metres Grass verge, woodland, railway maintenance access steps On the northwest of Printworks Road, Stalybridge	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights granted by a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights granted by a Conveyance dated 17 April 1996) Unknown (in respect of rights granted by a Transfer dated 26 September 2000) (in respect of restrictive covenants and rentcharges) Network Rail Infrastructure Limited (in respect of rights granted by a Transfer dated 8 October 2020)	NO DETAIL PROVIDED IN DRAFT TWAO
2-034 (sheet 2)	325.61 Square meters Public Road (Printworks Road), public footpath On Printworks Road,	National Grid Electricity Transmission PLC Tameside Metropolitan	National Grid plc (in respect of rights granted by a Conveyance dated 10 January 1961)	Temporary possession (articles 8 and 31) Working site and access for construction

	Stalybridge	Borough Council (in respect of adopted highway)	Land Recovery North West Ltd (in respect of rights granted by a Conveyance dated 17 April 1996) Unknown (in respect of rights granted by a Transfer dated 26 September 2000) (in respect of restrictive covenants and rentcharges) Network Rail Infrastructure Limited (in respect of rights granted by a Transfer dated 8 October 2020)	
3-005 (sheet 3) 	53.95 Square meters Grassland, hedgerow and trees along railway to the southeast of Wakefield Road (A635), Stalybridge	National Grid Electricity Transmission PLC		Temporary possession (articles 8 and 31) Working site and access for construction Railway fencing works
3-011 (sheet 3) 	1,670.65 Square meters Hardstanding and electrical substation (Printworks Rd, Heyrod, Stalybridge SK15 3AZ)	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained	Temporary possession (articles 8 and 31) Working site and access for construction Railway drainage works

			within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020) (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	
3-013 (Sheet 3)	88.27 Square meters Woodland to the north of the	Network Infrastructure Limited	Rail	National Grid Electricity Transmission Plc (in Temporary possession (articles 8 and 31)

	electrical substation (Printworks Rd, Heyrod, Stalybridge SK15 3AZ)	Unknown (in respect of mines and minerals)	respect of rights reserved by a Transfer dated 8 October 2020) Unknown (in respect of covenants contained within a Conveyance dated 10 January 1961) Network Rail Infrastructure Limited (in respect of restrictive covenants contained within a Transfer dated 8 October 2020)	Working site and access for construction Railway drainage works
3-014 (sheet 3) 	70.89 Square meters Woodland to the north of the electrical substation (Printworks Rd, Heyrod, Stalybridge SK15 3AZ)	Network Rail Infrastructure Limited	National Grid Electricity Transmission Plc (in respect of rights reserved by a Transfer dated 8 October 2020) Unknown (in respect of covenants contained within a Conveyance dated 10 January 1961) Network Rail Infrastructure Limited (in respect of restrictive covenants contained within a Transfer dated 8	Temporary possession (articles 8 and 31) Working site and access for construction And culvert works

			October 2020)	
3-016 (sheet 3) 	719.13 Square meters Woodland and electricity pylon to the north of the electrical substation (Printworks Rd, Heyrod, Stalybridge SK15 3AZ)	National Grid Electricity Transmission PLC	National Grid plc (in respect of rights contained within a Conveyance dated 10 January 1961) Land Recovery North West Ltd (in respect of rights contained within a Conveyance dated 17 April 1996) Unknown (in respect of rights contained within a Transfer dated 26 September 2000) Network Rail (in respect of rights contained within a Transfer dated 8 October 2020)	Temporary possession (articles 8 and 31) Working site and access for construction And culvert works