

Secretary of State,
c/o John McKenna, Department for Business,
Energy and Industrial Strategy
C/O Eversheds Sutherland (International) LLP
2 New Bailey Square
6 Stanley Street
Salford
M3 5GX

My Ref: XD-001 JW
Your Ref: Ref: LRS/143/NG/NOM/17

Sent via email and hardcopy letter

07 December 2022

Dear Sirs,

**The National Grid Gas PLC (Western Gas Network Project) Compulsory Purchase Order 2022:
PLOTS 9 & 11**

This is a letter of objection to The National Grid Gas PLC (Western Gas Network Project) Compulsory Purchase Order 2022 ('Order') made by National Grid Gas PLC ('NGG') on 20 October 2022.

The objection is made by the Canal & River Trust ('Trust') of National Waterways Museum, South Pier Road, Ellesmere Port, Cheshire CH65 4FW. Acting as a Trustee of the Waterways Infrastructure Trust, the Trust owns and operates the River Swift Feeder which is registered at the Land Registry under title number WK466921 ('the Property').

The Trust is a statutory consultee in the development management process and are also an affected landowner.

This objection has been made to protect the Trust's position, pending a decision to either:

1. remove those property interests in question from the Order; or
2. complete a written agreement with NGG which addresses the concerns of the Trust; thereby enabling the withdrawal of this objection.

The rights are being sought in relation to land acquired for the purposes of the Trust's undertaking. In principle, the Trust does not object to the confirmation of the Order, however, it has concerns about how the Order will be managed.

The Trust welcomes the opportunity to build a good working relationship with NGG and encourages meaningful attempts to enter into negotiations to alleviate our concerns.

Grounds of Objection and Representations

1. Plot 9 & 11 of the Order

Canal & River Trust, National Waterways Museum, South Pier Road, Ellesmere Port, Cheshire CH65 4FW
T 0303 040 4040 E canalrivertrust.org.uk/contact-us

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address National Waterways Museum, South Pier Road, Ellesmere Port, Cheshire CH65 4FW

Plot 9 is described as Pipeline Rights and Pipeline Construction Rights over approximately 213m² of land, watercourse known as River Swift feeder, canal feeder and conservation area situated to the South of Hospital Lane, Rugby

Plot 11 is described as Access Rights over approximately 20 m² of land and conservation area over a water course known as River Swift Feeder, and canal Feeder, situated to the South of Hospital Lane, Rugby.

The Trust has been approached by NGG regarding the acquisition of rights over the Property. However, to date:

No technical drawings have been provided showing the technical details of the proposed scheme, and therefore it is unknown how the Order will fully affect the Property.

No details have been provided over the required access in plot 11, and how this impacts the Property.

Although there has been engagement by NGG, a voluntary agreement can not be completed without a full understanding of the impact on the Property, including the technical proposals.

2. CRT Code of Practice

The Trust has a statutory duty to make its waterways available for navigation and to maintain its waterways in a condition suitable for use by cruising under section 105 of the Transport Act 1968. Although this is not a navigable watercourse, it feeds the nearby Oxford Canal. In order to implement the proposed scheme, the developer will need to satisfy the Trust that periods of construction which may affect the waterway will have no long-term impact upon their use for navigation. It is possible that any substantial works will require the closure of the waterway, which will need the agreement of the Trust to be approved.

The developer is advised to have regard to the Trust's Code of Practice for Works Affecting the Canal & River Trust. There has been some correspondence with NGG about the proposed work, however as mentioned above no technical drawings have been provided to date. We will require further details confirming that the construction methodology will not damage the Property.

As such, it is considered that it has not been adequately demonstrated that the scheme is "unlikely to be blocked by any physical or legal impediments", such as the need for works to comply with the Trust's Code of Practice for Third Party Works. This is contrary to the requirements of paragraph 15 of the Compulsory Purchase Process Guidance as published by the Ministry of Housing, Communities & Local Government.

NGG is advised to review the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust" and to contact the Trust's Works Engineer to ensure that any necessary consents are obtained and works are compliant with the code.

For the above reason and until this has occurred, the Trust submits that the Order should not be confirmed

3. The Canal & River Trust as Landowner

It is submitted that:

- Meaningful attempts at negotiation have not been pursued or genuinely attempted by the developer, in breach of paragraph 17 of the Compulsory Purchase Process Guidance as published by the Ministry of Housing, Communities & Local Government; and

- The developer has failed to take reasonable steps to acquire all of the rights included in the Order by agreement, in breach of paragraph 2 of the Compulsory Purchase Process Guidance as published by the Ministry of Housing, Communities & Local Government.

As such, an agreement with the Trust will be required prior to the commencement of the development. Until this has occurred, it is submitted that the Order should not be confirmed.

NGG is advised that the proposed works require the completion of a commercial written agreement with the Canal & River Trust, and that they should contact the Canal & River Trust's Utilities team regarding the required agreement (jacquie.watt@canalrivertrust.org.uk).

The right to expand upon or add to the grounds of objection as set out within this letter are reserved. If you have any queries, please contact me.

Yours faithfully,

Jacquie Watt
Surveyor
E-mail address: jacquie.watt@canalrivertrust.org.uk