

**FAB LINK LIMITED**

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**STATEMENT OF REASONS**  
**Accompanying the making of:**  
**THE FAB LINK LIMITED (BUDLEIGH SALTERTON TO**  
**BROADCLYST) COMPULSORY PURCHASE ORDER 2016**

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## 1. INTRODUCTION

- 1.1 On 29 November 2016 FAB Link Limited (incorporated and registered in Guernsey with company number 54637 whose registered office is at Gategny Court, Gategny Esplanade, St Peter Port, Guernsey GY1 1WR) (the "**Acquiring Authority**") resolved to make the FAB Link Limited (Budleigh Salterton to Broadclyst) Compulsory Purchase Order 2016 (the "**Order**"). The Order was made on 2 December 2016.
- 1.2 The FAB interconnector is a 220km proposed underground and subsea interconnector which will allow exchange and trading of up to 1400MW of electricity between France and Britain via Alderney. The cable will cross the channel island of Alderney in order to connect future renewable tidal stream generation in the seas around Alderney.
- 1.3 The FAB interconnector is being developed by Transmission Investment LLP, together with the French grid company RTE (Réseau de Transport d'Électricité) and Alderney based tidal power developer Alderney Renewable Energy Limited ("**ARE**"). The Acquiring Authority is a joint venture between Transmission Investment LLP and ARE. The Acquiring Authority will own the assets in Alderney and Britain and RTE will own the assets in France.
- 1.4 The FAB interconnector is designated as a European Project of Common Interest (PCI project number 1.7.1) under the provisions of European Union Regulation No. 347/2013 on guidelines for Trans-European Network for Energy ("**TEN-E Regulation**") and can access funding through the Connecting Europe Facility.
- 1.5 The Order, if confirmed would authorise the Acquiring Authority to compulsorily purchase land and rights over land to enable it to construct the onshore elements of the FAB interconnector in Britain.
- 1.6 The following terms are used in this Statement:-
  - 1.6.1 **the Scheme**: meaning the works described at paragraph 3.6;
  - 1.6.2 **the Order Land**: meaning those parcels of land described at paragraphs 4.1 to 4.6 and shown coloured pink, blue, blue and hatched brown and brown on the maps referred to in the Order;
- 1.7 This statement of reasons (the "**Statement**") accompanies the making of the Order and has been prepared in accordance with Section 11 of the Department for Communities and Local Government's "*Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion*" dated October 2015 (the "**CPO Guidance**"). This Statement includes the following sections:
  - 1.7.1 **Section 2** sets out an explanation of the use of the enabling power;
  - 1.7.2 **Section 3** provides a brief description of the FAB interconnector and the elements of the FAB interconnector that constitute the Scheme;
  - 1.7.3 **Section 4** provides a brief description of the Order Land and its location, topographical features and present use and sets out the special considerations affecting the Order Land;
  - 1.7.4 **Section 5** sets out the new rights to be compulsorily acquired and the reasons for including the Mining Code;
  - 1.7.5 **Section 6** provides an outline of the Acquiring Authority's purpose in seeking to acquire the land and new rights and justification for compulsory purchase;
  - 1.7.6 **Section 7** sets out the steps the Acquiring Authority has taken to negotiate for the acquisition of land and rights over land by agreement;
  - 1.7.7 **Section 8** contains a statement about the planning position of the Order Land;

- 1.7.8 **Section 9** details how the Scheme will be funded;
- 1.7.9 **Section 10** details the consents that are required before the Scheme can be implemented and related applications;
- 1.7.10 **Section 11** includes a statement of the Acquiring Authority's justification for compulsory purchase, with regard to Article 1 of the First Protocol, Article 6 and Article 8 of the European Convention on Human Rights; and
- 1.7.11 **Section 12** sets out the Acquiring Authority's conclusion; and
- 1.7.12 **Section 13** sets out a list of the documents that the Acquiring Authority would intend to refer to or put in evidence in the event of an inquiry and where and when such documents can be inspected.

## 2. THE ENABLING POWERS

- 2.1 The Order is made pursuant to section 10 of and paragraph 1 of Schedule 3 to the Electricity Act 1989.
- 2.2 Paragraph 1 of Schedule 3 to the Electricity Act 1989 provides that:
  - (1) Subject to paragraph 2 below, the Secretary of State may authorise a licence holder to purchase compulsorily any land required for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on.*
  - (2) In this paragraph...“land” includes any right over land...and the power of the Secretary of State under this paragraph includes power to authorise the acquisition of rights over land by creating new rights as well as acquiring existing ones.*
- 2.3 On 26 March 2014 the Acquiring Authority was granted an electricity interconnector licence pursuant to section 6(1)(e) of the Electricity Act 1989.
- 2.4 The activity which the Acquiring Authority is authorised by the electricity interconnector licence to carry out is to participate in the operation of the FAB Link electricity interconnector between Great Britain (at Exeter 400kV substation) and France (at Manuel 400kV substation), passing through the territory of Alderney.
- 2.5 The electricity interconnector licence granted to the Acquiring Authority incorporates a standard condition which relates to compulsory purchase:

### **Condition 7. Compulsory acquisition of land etc**

*The powers and rights conferred by or under the provisions of Schedule 3 to the Act (Compulsory Acquisition of Land etc. by Licence Holders) shall have effect in relation to the licensee to enable the licensee to carry on the activities authorised by this licence and which relate to:*

- (a) the construction or extension of the licensee's interconnector; or*
- (b) activities connected with the construction or extension of the licensee's interconnector or connected with the operation of the licensee's interconnector.*
- 2.6 The Acquiring Authority may therefore be authorised to purchase compulsorily land or rights over land to enable the Acquiring Authority to carry on the activities authorised by its licence. All of the land and rights over land identified in the Order are required for this purpose.
- 2.7 Schedule 9 to the Electricity Act 1989 requires the Acquiring Authority 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 he 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."*

### 3. DESCRIPTION OF THE SCHEME

- 3.1 The FAB interconnector is a 220km proposed underground and subsea interconnector which will allow exchange and trading of up to 1400MW of electricity between France and Britain via Alderney.
- 3.2 British and French electricity transportation grids operate as alternating current (AC) systems, in which the direction of the current changes (and then changes back) on average fifty times a second. However, an AC interconnector between the British and French grids is not technically and economically feasible. The best current technology for the project, which the Acquiring Authority proposes to use, combines a high voltage direct current (HVDC) interconnector with a converter station at each end to change the current to AC. In contrast to an AC interconnector, an HVDC interconnector does not require the synchronization of the British and French grids nor does the capacity of the HVDC underground or subsea cables significantly reduce with distance travelled.
- 3.3 To develop the project, suitable connection options in southern England had to be identified. The Acquiring Authority and National Grid Electricity Transmission plc ("**NGET**") undertook an assessment which identified seven potential sites. The assessment, described in detail in the FAB Link Connection Options Study<sup>1</sup>, concluded that the existing NGET 400kV substation at Broadclyst in Devon offers the preferred grid connection.
- 3.4 Once a potential grid connection was identified the Acquiring Authority commissioned a number of studies which considered a range of environmental, technical and economic constraints to identify suitable landfall and route options for the onshore cable. As set out in the HVDC Converter Station Site Selection Process Report<sup>2</sup>, Landfall Selection Process Report<sup>3</sup> and Cable Corridors Selection Process Report<sup>4</sup>, the proposed landfall site at Budleigh Salterton and the onshore cable route were assessed to be the most suitable from an environmental, technical and economic perspective.
- 3.5 The main components of the FAB interconnector are set out below and shown on Figure 1:
- 3.5.1 High Voltage Direct Current ("**HVDC**") electricity cables buried in or placed (and protected) upon the sea bed between the Contentin (or Cherbourg) Peninsula, Normandy, France and Budleigh Salterton, East Devon;
  - 3.5.2 HVDC electricity cable landing and traverse (as underground cables) of the Channel Island of Alderney;
  - 3.5.3 HVDC onshore and offshore cable 'transitions' at the shorelines of all three territories;
  - 3.5.4 HVDC to High Voltage Alternating Current ("**HVAC**") converter stations in both Normandy and Devon; and
  - 3.5.5 HVDC onshore cables from the transition points to the converter stations and HVAC onshore cables from the converter stations to substations in both territories.

Figure 1

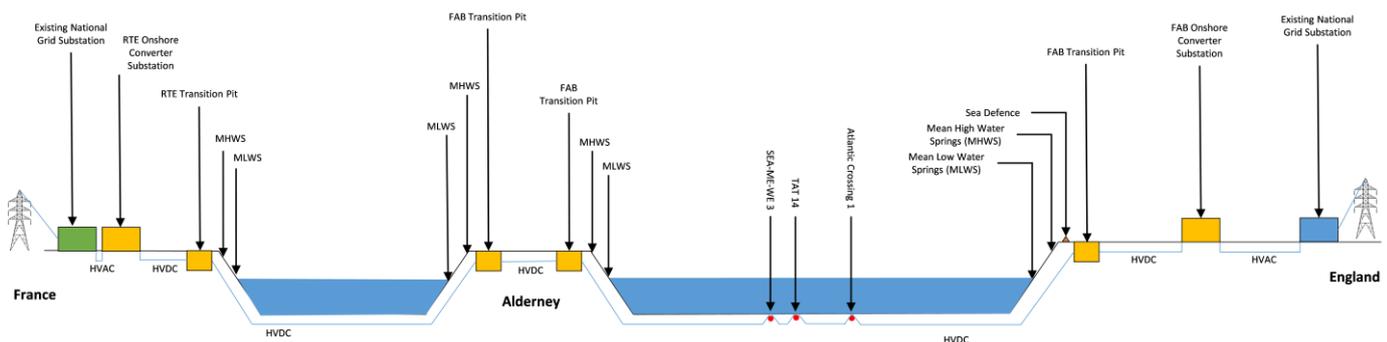
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<sup>1</sup> <http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1a-Connection-Point-Selection-Report.pdf>

<sup>2</sup> <http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1b-Converter-Station-Site-Selection-Report.pdf>

<sup>3</sup> <http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1c-Landfalls-Selection-Process-Report.pdf>

<sup>4</sup> <http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1d-Cable-Corridors-Selection-Process-Report.pdf>



3.6 The onshore elements of the FAB interconnector in Britain, and referred to as the Scheme in this Statement, therefore consists of:

- 3.6.1 the HVDC onshore cables from the mean high water mark to the transition joint bay and then from the transition joint bay to the converter station and HVAC onshore cables from the converter station to the existing 400kV National Transmission System ("NTS") substation at Broadclyst in Devon (the **"onshore cable route"**);
- 3.6.2 the HVDC onshore cable transition joint bay at Budleigh Salterton, East Devon (the **"transition joint bay"**); and
- 3.6.3 the HVDC to HVAC converter station near Exeter Airport, East Devon (the **"converter station"**).

3.7 The principal project requirements for the onshore cable route are as follows:

- 3.7.1 The electrical design of the interconnector comprises two HVDC symmetrical monopoles capable of transmitting up to 700MW each.
- 3.7.2 Each monopole is comprised of a converter and 2 HVDC cables and a communications cable. A corresponding converter will be located in France as shown in Figure 1.
- 3.7.3 The onshore HVDC cable route would run from the converter station site near to Exeter Airport to the landfall at Budleigh Salterton, both in East Devon (approximately 15.7km).
- 3.7.4 The HVAC onshore cable route would be comprised of 2 HVAC circuits each consisting of 3 HVAC cables capable of transmitting up to 700MW each, and a communications cable.
- 3.7.5 The onshore HVAC cable route will run from the existing National Electricity Transmission System Exeter Main substation which lies east of Broadclyst to the converter station site (both in East Devon) (approximately 5km).
- 3.7.6 Underground cables will be jointed at an approximate frequency of 750m intervals.

3.8 The onshore cable route will be constructed primarily using the open cut trenching technique. Horizontal direction drilling will be used to cross the railway, the River Canny and the A30. The construction methodology is set out in Chapter 2 of the draft UK Cable Route Environmental Risk Assessment Report.<sup>5</sup>

<sup>5</sup> <http://www.fablink.net/wp-content/uploads/2016/07/Chapter-2-Project-Description-1.pdf>

- 3.9 The commencement of the construction phase of the FAB interconnector is planned for early 2018 with the FAB interconnector becoming operational between December 2020 and mid-2022.

#### 4. DESCRIPTION OF THE ORDER LAND

- 4.1 This section contains a brief description of the Order land. A more detailed description of each plot is set out in Table 1 of the Order. The land to be compulsorily acquired is shown coloured pink on the Maps referred to in the Order. The land over which new rights are to be compulsorily acquired is shown coloured blue, coloured brown and coloured blue and hatched brown on the Maps referred to in the Order.

##### 4.2 CONVERTER STATION (PLOTS 24 and 24A)

- 4.2.1 The converter station will be located on land to the east of Exeter Airport Industrial Estate, near 'the Antiques Complex' south east of Exeter Airport accessed from the A30 via the B3184 airport link road and Long Lane (sometimes also called Westcott Road).
- 4.2.2 The proposed converter station site is approximately 52262 square metres of arable field which is defined by low managed hedgerows that contain some large hedgerow trees. Topography within the site is relatively level, sloping down about 5 metres from the south east corner to the northern boundary.

##### 4.3 ONSHORE CABLE ROUTE

- 4.3.1 The onshore cable route is a corridor approximately 30 metres wide and 20.7km in length. In some locations the width of the corridor increases to approximately 160 metres in order to deal with technical or environmental constraints or to enable the onshore cable route to be constructed using horizontal direction drilling techniques.

##### Section 1 – NGET Substation to Elbury Farm

- 4.3.2 The onshore cable route begins at the NGET substation at Broadclyst. A drainage ditch surrounds the substation. The onshore cable route is divided into two sections as the cables leave their respective bays in the NGET substation across grassland and woodland to the east of Higher Burrowton. The two separate cable routes converge and continue southwards across arable and grassland towards Lower Burrowton. The onshore cable route crosses a minor road and continues southwards across grassland towards Elbury Farm which is a dairy farm. The onshore cable route then crosses another minor road before crossing the Pinhoe to Whimble railway.

##### Section 2 – Cranbrook

- 4.3.3 The onshore cable route continues southwards into Cranbrook across grassland before crossing the River Cranny. The onshore cable route is then located within the Cranbrook Country Park. The onshore cable route will run along the east side of Ford Stream and cross Tillhouse Road heading for Rockbeare Bridge. The onshore cable route continues across the arable fields and grassland on the north side of Ford Stream heading for Rockbeare, crossing a small watercourse.

##### Section 3 – Rockbeare Village to Exeter Airport

- 4.3.4 On the south side of London Road, the onshore cable route crosses Ford Stream at Rockbeare heading south towards the converter station site. Three other watercourses are crossed en-route to Exeter Airport. The route crosses the Exeter Airport landing approach lighting array. The onshore cable route separates as the cables enter the converter station heading for their respective connection bays.

##### Section 4 – Converter station and Long Lane

- 4.3.5 The onshore cable route exits the converter station site and crosses Long Lane heading south across arable fields towards the A30.

#### **Section 5 – A30 to Farringdon**

- 4.3.6 Heading south from the A30 across arable fields and grassland, the onshore cable route crosses Marwood Lane. The onshore cable route crosses a watercourse (Hol Brook) and passes Farringdon through arable fields on the east side of the B3184. The onshore cable route crosses a private access road to Mill House.

#### **Section 6 – Farringdon to Nine Oaks**

- 4.3.7 South of the private access road to Mill House the onshore cable route continues on the east side of the B3184 crossing through arable and grassland before crossing to the west side of the B3184 into arable fields adjacent to Upham Fisheries which is south of Farringdon. The onshore cable route crosses back over the B3184 close to its junction with the road to Perkins Village. The onshore cable route then crosses Withen Lane and continues southwards across arable fields and grassland before crossing the A3052.

#### **Section 7 – A3052 to Hawkerland**

- 4.3.8 South of the A3052 the onshore cable route crosses grassland and a minor watercourse before reaching Grindle Brook. The onshore cable route passes to the east of Trixhayes Farm, Sanctuary Farm and Sunnyhaye Fruit Farm across arable fields and grassland before reaching the B3180. Three further minor watercourses are crossed prior to crossing the B3180.

#### **Section 8 – Hawkerland**

- 4.3.9 The onshore cable route crosses through a farmyard into grassland leading to the Hawkerland Valley at Canterbury Green. The onshore cable route continues along the south of Hawkerland crossing a bridleway before crossing the road to the east of Sunnyside. The route then continues north east of Hawkerland farm before crossing back to the south side of Hawkerland. The onshore cable route leaves Hawkerland to the west of Stoneyford Crossroads, crossing the watercourse then a bridleway into arable land heading south. The onshore cable route then heads east crossing Hawkerland Road south of Primrose Cottage into arable land.

#### **Section 9 – Kingston**

- 4.3.10 The onshore cable route continues across arable fields crossing Napps Lane (track) before descending into Kingston. The onshore cable route heads south across Hawkerland Road west of Pophams Farm, crossing a watercourse. The onshore cable route proceeds to cross Back Lane heading south east across grass and arable land towards the B3178.

#### **Section 10 – Bicton**

- 4.3.11 The onshore cable route follows a minor road south towards Bicton running on the west side of the B3178 heading south through grassland towards Bicton College. The onshore cable route then crosses into the designated Bicton Arena Registered Park and Garden. The onshore cable route crosses the B3178 north of Sidmouth Lodge into grassland. The onshore cable route then crosses 3 minor watercourses to the east of Bicton Home Farm and Bicton Old Rectory before reaching Fore Street. This section is within the flood plain of the River Otter.

#### **Section 11 – Otterton to East Budleigh**

- 4.3.12 South of Otterton, the onshore cable route passes through arable and grassland east of Frogmore Road (within the River Otter flood plain) before reaching a Sewage Pumping

Station and Budleigh Brook. The onshore cable route approaches the B3178 East Budleigh Road at Pulhayes Farm.

## **Section 12 – East Budleigh to Budleigh Salterton Landfall**

4.3.13 The onshore cable route runs along the verge of the B3178 East Budleigh Road before entering arable land south of Bankly leading to a point north of South Farm Road. The onshore cable route then goes to the east of South Farm Cottages and onto the footpath leading along the western edge of the Otter Valley Grazing Marshes. At the southern end of the footpath, the onshore cable route follows the verge of Granary Lane (crossing the access to Budleigh Salterton Cricket Club and a small watercourse) before entering Lime Kiln car park where the transition joint bay is located. From the transition joint bay the onshore cable route continues south under the beach to the mean high water mark.

### **4.4 COMPOUNDS (PLOTS 1, 24B, 28, 38, 40, 48, 59, 60, 63A, 69, 70, 73, and 74)**

4.4.1 Thirteen temporary construction compounds are required to construct the onshore cable route. A brief description of the location of the proposed construction compounds is set out below:

- (a) approximately 18977 square metres of grassland east of Higher Burrowton, Broadclyst, Exeter and west of Exeter Main Substation, Broadclyst (Plot 1);
- (b) approximately 24872 square metres of arable land and grassland west of Silver Lane and north of the Long Lane (Plot 24B);
- (c) approximately 25316 square metres of arable land and grass land between the A30 and Marwood Lane (Plot 28);
- (d) approximately 26278 square metres of grassland adjoining Greenfields, Sidmouth Road, Aylesbeare, Exeter, between the A3052 and Withen Lane (Plot 38);
- (e) approximately 18536 square metres of grassland adjoining Greenfields, Sidmouth Road, Aylesbeare, Exeter, (EX5 2JJ) between the A3052 and Withen Lane (Plot 40);
- (f) approximately 9438 square metres of grassland north of Canterbury House Farm and west of the B3180 (Plot 48);
- (g) approximately 3426 square metres of arable land north of Hawkerland Road and Pophams Farm, Hawkerland Road, Colaton Raleigh (Plot 59);
- (h) approximately 14142 square metres of arable land north of Hawkerland Road and Pophams Farm, Hawkerland Road, Colaton Raleigh (Plot 60);
- (i) approximately 13704 square metres of arable land arable land west side of Exmouth Road, Colaton Raleigh (Plot 63A);
- (j) approximately 13902 square metres of arable land and grassland between Chapel Lane and Exmouth Road, Colaton Raleigh (Plot 69);
- (k) approximately 5277 square metres of grassland between Chapel Lane and Exmouth Road, Colaton Raleigh (Plot 70);
- (l) approximately 8573 square metres of arable land and grassland forming part of Bicton College and west of the B3178 (Plot 73); and
- (m) approximately 7014 square metres of grassland to the east of the B3178, East Budleigh (Plot 74).

4.4.2 It is anticipated that the construction compounds will be utilised by the Acquiring Authority for approximately 2 to 3 years.

4.4.3 As it is not possible to acquire rights compulsorily for the temporary possession of land, it is necessary for the Order to contain powers to compulsorily acquire the freehold of the land required for the compounds. However, the Acquiring Authority would seek to return the land to the landowner once construction of the onshore cable route had been completed.

#### 4.5 **LONG LANE HIGHWAYS IMPROVEMENTS (PLOTS 110, 111, 112, 113, 114 and 115)**

4.5.1 Land and access rights are required in order to carry out highway mitigation works to Long Lane in order to facilitate the construction of the converter station. A brief description of the location of the land required for the mitigation works is set out below:

- (a) approximately 305 square metres of highway and arable land on and south of Long Lane and south east of Exeter and Devon Airport (Plots 110 and 111);
- (b) approximately 368 square metres of highway and highway verge on Long Lane south of Exeter and Devon Airport P4 long stay car park (Plots 112 and 113); and
- (c) approximately 108 square metres of highway and highway verge north of Unit 5 Airport Industrial Estate on Long Lane (Plots 114 and 115).

#### 4.6 **ACCESS ROADS (PLOTS 47, 62, 62A and 63A)**

4.6.1 Two temporary access roads are required in order to facilitate the construction of the onshore cable route. A brief description of the location of the proposed temporary access roads is set out below:

- (a) approximately 11651 square metres of grassland east of the B3180 and south of Higher Hawkerland Farm, Aylesbeare (Plot 47); and
- (b) approximately 11961 square metres of grassland on the north side of Hawkerland Road and north of Pophams Farm, Colaton Raleigh (Plot 62), approximately 416 square metres of bridleway north of Pophams Farm, Colaton Raleigh (Plot 62A) and approximately 8995 square metres of grassland and arable land on the west side of Exmouth Road, Colaton Raleigh (Plot 63A).

4.6.2 It is anticipated that the access roads will be utilised by the Acquiring Authority for approximately 2 to 3 years. The land will then be fully reinstated to its current condition following completion of the construction of the onshore cables route.

#### 4.7 **SPECIAL KINDS OF LAND**

4.7.1 Sections 17, 18 and 19 of and Schedule 3 to the Acquisition of Land Act 1981 apply to the compulsory acquisition of land and rights over certain specified types of land.

##### **National Trust land (Plots 1, 2, 3, 4, 9, 9A, 9B, 11 and 11A):**

4.7.2 The Order Land includes approximately 76138 square metres of grassland, arable land, woodland and waterway at Broadclyst which is owned by the National Trust.

4.7.3 The Acquiring Authority has been in discussions with the National Trust in order to establish whether this land is held inalienably and therefore whether the Order, if confirmed, would be subject to special parliamentary procedure in the event that the National Trust objects to the Order and the objection is not withdrawn.

4.7.4 The National Trust has informed the Acquiring Authority that the land is held inalienably.

- 4.7.5 Negotiations are on-going between the Acquiring Authority and the National Trust in respect of a voluntary agreement for the temporary use of land for a construction compound and rights required to construct, use and maintain the onshore cable route.

**Open space land: (Plots 11A, 12A, 12, 12D, 14, 99, 101, 104, and 109)**

- 4.7.6 “**Open space land**” means any land laid out as a public garden, or used for the purpose of public recreation, or land being a disused burial ground.

- 4.7.7 The Order Land includes the following opens space land:

- (a) approximately 136 square metres of unregistered waterway known as the Crannybrook, north of the B3174 (plots 11A and 12A);
- (b) approximately 21326 square metres of designated Country Park at Cranbrook, north of the B3174 (plots 12 and 12D);
- (c) approximately 10876 square metres of designated Country Park south of Cranbrook and the B3174 (plot 14);
- (d) approximately 3397 square metres of amenity land between Lime Kiln Car Park and Granary Lane, Budleigh Salterton (plots 99, 101 and 104); and
- (e) approximately 2395 square metres of beach to the south of Lime Kiln Car Park Budleigh Salterton (plot 109).

- 4.7.8 The compulsory acquisition of rights over open space land shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that the land, when burdened with that right, will be no less advantageous to the public than it was before.

- 4.7.9 As the onshore cable route will be located underground, the Acquiring Authority considers that the land when burdened with the Interconnector Rights will be no less advantageous to the public than it was before.

- 4.7.10 The Acquiring Authority will submit an application to the Secretary of State for a certificate to this effect pursuant to paragraph 6(1)(a) of Schedule 3 to the Acquisition of Land Act 1981.

**Local Authority and Statutory Undertakers' land:**

- 4.7.11 The Order Land contains land that is the property of a local authority or has been acquired by statutory undertakers for the purposes of their undertaking.

- 4.7.12 The Order Land that is the property of a local authority includes:

- (a) approximately 6550 square metres of land owned by East Devon District Council at Lime Kiln Car Park in Budleigh Salterton, approximately 3156 square metres of amenity land between Lime Kiln Car Park and Granary Lane and approximately 2395 square metres of beach to the south of Lime Kiln Car Park Budleigh Salterton (plots 99, 104, 108 and 109); and
- (b) highway land between Broadclyst and Budleigh Salterton owned by Devon County Council (plots 79, 84, 87, 88, 90, 94, 95, and 97).

- 4.7.13 The Order Land that includes land or rights acquired by statutory undertakers for the purposes of their undertaking includes:

- (a) Network Rail Infrastructure Limited: Land forming part of the Pinhoe to Whimple railway, north of Cranbrook (plot 10).

- (b) National Grid Electricity Transmission plc: Land and rights over land relating to electricity apparatus (plots 2, 3, 4, 5, 6 and 7).
- (c) National Grid Gas plc: Rights over land relating to gas apparatus (plots 43 and 44).
- (d) Western Power Distribution (South West) plc: Rights over land relating to electricity apparatus (plots 1, 6, 7, 8, 8A, 9, 9A, 9B, 11, 24, 24B, 27, 28, 30, 31, 32, 33, 34, 34A, 35, 35A, 36, 50, 54, 54A, 54A, 55A, 59, 60, 61, 65, 64A, 66, 67, 68, 68A, 69, 70, 71, 72, 72B, 73, 75, 75A, 76, 77, 80, 81, 82, 83, 96, 100, 101, 101A, 102, 103, 104, 104A, 105, 109 and 112)
- (e) Wales and West Utilities Limited: Rights over land relating to gas apparatus (plots 1, 2, 3, 4, 9, 9B, 11, 12, 36, 37, 38, 39, 40, 45, 46, 47, 49, 62, 64A, 65, 67, 68, 68A, 68B, 69, 70, 71, 72, 72B, 73, 74, 75, 75A, 76, 77, 78, 78A, 80, 80A, 81, 82, 83, 84, 85, 86, 87, 88, 96, 100, 101, 101A, 102, 103, 104, 104A and 105)
- (f) South West Water Limited: Rights over land relating to water and sewerage apparatus (plots 8A, 9, 9A, 9B, 11, 12, 14, 15, 34, 35, 37, 39A, 39B, 41, 41A, 45, 46, 47, 48, 49, 50, 51, 52, 52A, 54A, 54, 55A, 56, 57, 59, 61, 62, 63, 62A, 63, 63A, 65, 64A, 67, 74, 74A, 75, 75A, 76, 76A, 78, 78A, 79, 79A, 79B, 80, 80A, 81, 82, 83, 84, 85, 86, 87, 88, 89, 96, 97, 98, 99, 99A, 100, 101, 101A, 102, 103, 104, 104A, 105, 105A, 106, 107, 108 and 114).
- (g) E.ON UK PLC: Rights over land relating to a district heating network (plots 12 and 14)
- (h) The Electricity Network Company Limited: Rights over land relating to electricity apparatus (plots 12 and 12D).
- (i) Highways England Company Limited: Land east of Exeter Airport and south of Long Lane forming part of the A30 (plot 26).
- (j) Exeter and Devon Airport Limited: Approximately 218 metres of verge alongside the highway at Long Lane (plot 112) and rights relating to runway approach lighting (plots 21, 23 and 110).

4.7.14 A compulsory purchase order which authorises the compulsory purchase of land that is the property of a local authority or has been acquired by statutory undertakers for the purposes of their undertaking, must be subject to special parliamentary procedure in any case where an objection to the order has been made by the local authority, or statutory undertaker, and has not been withdrawn.

4.7.15 However, section 17(3) of and paragraph 4(3) of Schedule 3 to the Acquisition of Land Act 1981 provides that a compulsory purchase order shall not be subject to special parliamentary procedure where the person acquiring the interest is a statutory undertaker. As the Acquiring Authority holds an interconnector licence under the Electricity Act 1989, it is a statutory undertaker for the purposes of the Acquisition of Land Act 1981. Accordingly, special parliamentary procedure does not apply.

#### **Crown land**

4.7.16 The Order Land does not include any land or other interests held by the Crown.

#### **Protected Assets**

4.7.17 There are no listed buildings, buildings subject to a building preservation notice, buildings which may qualify for inclusion in the statutory list, buildings within a conservation area or scheduled monuments within the Order Land.

4.7.18 Plots 72, 72B, 73 75, 76 and 77 are located within the Grade 1 Registered Park and Garden at Bicton. The proposals in the Order will not involve the demolition, alteration or extension of the registered park and garden. The onshore cable route through plots 72, 72B, 73 75, 76 and 77 is located within grassland and arable land which will be fully reinstated to its current condition following completion of the construction of the onshore cables.

## 5. DESCRIPTION OF THE NEW RIGHTS TO BE COMPULSORILY ACQUIRED

- 5.1 New rights are sought in the Order to facilitate the Acquiring Authority and all persons authorised on its behalf to construct, use, maintain and access the onshore cable route and transition joint bay.
- 5.2 The rights required to construct, operate and maintain the onshore cable route and transition joint bay are referred to as the "**Interconnector Rights**" in the Order.
- 5.3 The Interconnector Rights are defined in the Order as rights to:
- 5.3.1 lay, construct, inspect, use, maintain, renew, replace, repair, remove, decommission, protect, test, improve and upgrade electric cables for transmitting electricity and fibre optic cables for the transmission of data associated with the transmission of electricity together with all ancillary equipment (including but not limited to access chambers, manholes and marker posts) associated works, connections to other electric cables and other conducting media and all the ducts, conduits, gutters or pipes for containing them to be laid (so far as not already in existence) ("**the Works**");
  - 5.3.2 enter on to the surface of the land from adjoining land as often as may be required with or without vehicles and at all times with all necessary apparatus material plant and equipment to inspect cleanse maintain repair remove reinstate renew alter and replace the Works;
  - 5.3.3 carry out temporary accommodation works including but not limited to fencing, top soil stripping, the provision of water troughs, access works (including gates, bridges, pontoons and other crossings), the parking of works vehicles, storage of equipment and materials, to run temporary power and water lines across the surface and to maintain facilities such as portacabins and portable toilets for use in undertaking the Works;
  - 5.3.4 improve, install, execute, implement, retain, repair, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and habitat management or other measures relating to wildlife or protected species and to carry out landscaping including but not limited to soft landscaping together with the right to retain, maintain, inspect and replant such trees, shrubs, hedgerows and landscaping;
  - 5.3.5 alter, re-lay, maintain, adjust or remove existing pipes, cables or conduits or service media and associated apparatus;
  - 5.3.6 install, maintain, use, inspect, modify, improve, adjust, repair, replace, extend, test, cleanse and remove temporary and permanent drainage;
  - 5.3.7 all necessary rights of protection for the Works from any excavation mining foundation or piling works within such part of the subsoil and under surface of the land; and
  - 5.3.8 prevent any works on or uses of the land which may interfere with or damage the Works, or interfere with or obstruct access from and to the Works and in particular the right to prevent the removal of the Works.
- 5.4 The land over which the acquisition of the Interconnector Rights is being sought is shown edged red and coloured blue on the Maps referred to in the Order.
- 5.5 The rights to improve, alter, construct and use existing access and access tracks and temporary access and access tracks necessary to construct the onshore cable route and

access the temporary construction compounds are referred to as the "**Access Rights**" in the Order.

- 5.6 The Access Rights are defined in the Order as rights to:
- 5.6.1 construct, improve, widen, repair, maintain, renew, rebuild and take all necessary support for:
- (a) existing access and access tracks;
  - (b) new temporary access and temporary access tracks
- and in respect of (i) and (ii) ancillary structures including gates, bridges, pontoons and other crossings together with all necessary decommissioning and reinstatement works;
- 5.6.2 enter on to the surface of the land from adjoining land as often as may be required with or without vehicles and at all times with all necessary apparatus material plant and equipment; and
- 5.6.3 improve, install, execute, implement, retain, repair, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding and habitat management or other measures relating to wildlife or protected species and to carry out landscaping including but not limited to soft landscaping together with the right to retain, maintain, inspect and replant such trees, shrubs, hedgerows and landscaping.
- 5.7 The land over which the acquisition of the Access Rights is being sought is shown edged red and coloured brown on the Maps referred to in the Order.
- 5.8 The land over which the acquisition of the Interconnector Rights and Access Rights is being sought is shown edged red and coloured blue and hatched brown on the Maps referred to in the Order.
- 5.9 Interconnector Rights over a corridor approximately 30 metres wide are required to construct the onshore cable route. As mentioned in paragraph 4.3.1, the width of the corridor increases to approximately 160 metres in order to deal with technical or environmental constraints (for example due to ground conditions) or to enable the onshore cable route to be constructed using horizontal direction drilling techniques. Horizontal directional drilling requires a larger working width due to the need for a laydown area, machinery and bores. Interconnector Rights over a corridor approximately 12 metres wide are required for the operation and maintenance of the onshore cable route. However, the width of the corridor required for the operation and maintenance of the onshore cable route may increase due to technical or environmental constraints (for example if ground conditions require the cables to be located further apart).
- 5.10 As it is not possible to acquire rights compulsorily for the temporary possession of land, it is necessary for the Order to contain powers to compulsorily acquire permanent rights over the entire working width of the corridor.
- 5.11 Similarly, as it is not possible to acquire rights compulsorily for temporary access, it is necessary for the Order to contain powers to compulsorily acquire permanent access rights. However, the Acquiring Authority would not seek to use the Access Rights once the construction of the onshore cable route had been completed.

### **Mining Code**

- 5.12 The mining code, also known as the minerals code, is set out in Schedule 2 of the Acquisition of Land Act 1981.
- 5.13 The CPO Guidance states that the mining code should not be incorporated automatically or indiscriminately, as this may lead to the sterilisation of minerals, including coal reserves.

- 5.14 The Acquiring Authority has considered carefully whether to include the mining code in the Order and has had regard to whether the existence of statutory rights of compensation or repair of damage might provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence.
- 5.15 The Acquiring Authority considers that it is appropriate to include the mining code within the Order to ensure that the cables are adequately protected should mining or minerals extraction be permitted to take place in the future.

## 6. **REASONS FOR MAKING THE ORDER AND JUSTIFICATION FOR THE USE OF POWERS OF COMPULSORY ACQUISITION**

### **NEED FOR INTERCONNECTORS**

- 6.1 Britain currently has interconnectors with Northern Ireland, the Republic of Ireland, France and the Netherlands. There is, however, a need for additional interconnection, driven by the following challenges that the British and wider European energy systems face.

#### **Competitiveness**

- 6.2 Remaining economically competitive in an increasingly global market for goods and services has become a priority for the European Union ("EU") and its member states. This often translates into reducing costs and this includes reducing the cost of electricity, which interconnectors can achieve.

#### **Sustainability**

- 6.3 The need to reduce greenhouse gas emissions in order to limit global temperature rises has resulted in the growth of significant volumes of low carbon generation and plans for considerably more. Much of this generation is variable in nature and often is remote from or at the extremity of the established high voltage grid. Interconnectors can both assist with smoothing the variability of renewable generation across different geographies and facilitate the connection and integration of renewables.

#### **Security**

- 6.4 Incidences such as restrictions to gas supplies by Russia have brought a focus onto the security of Europe's energy supply. Electricity security in Britain and the ability to meet peak electricity demand has been reduced through several factors:
- 6.4.1 The closure of controllable fossil fuel generation (for economic or regulatory reasons);
  - 6.4.2 The closure of nuclear plant as it reaches the end of its asset life;
  - 6.4.3 The replacement of the above with large scale renewables with varying output; and
  - 6.4.4 The lack of new controllable plant being constructed (either for economic reasons or the time it takes to permit, finance and build).
- 6.5 Whilst shorter term measures are also being used, in the longer term the UK Government's response to this is the market for capacity, which is intended to provide the necessary incentives to keep open existing capacity and to construct new capacity so as to be able to meet peak demand. Additional interconnection capacity is one form of capacity that the Government is seeking to incentivise to assist it in meeting the security challenge.

### **BENEFITS OF INTERCONNECTORS**

- 6.6 Electricity interconnectors provide economic, environmental and security of supply benefits to the countries they connect.

#### **Economic Benefits**

- 6.7 In terms of the economic benefits, interconnectors allow for higher cost electricity generation in the importing country to be replaced by lower cost electricity generated in the exporting country. This results in lower cost of electricity overall, and in particular in the importing country. The lower cost of electricity should result in lower electricity prices for consumers.
- 6.8 As well as providing lower cost electricity, interconnectors can also provide services to the operators of the electricity systems that they interconnect. These services are to a large extent required because electricity cannot be stored and so the production (generation) of electricity has to be very closely matched to the supply of electricity on a second-by-second basis.

### **Environmental Benefits**

- 6.9 Interconnectors can provide environmental benefits in several ways. They can allow high carbon generation in one (importing) country to be displaced by low carbon generation in another (exporting) country – this is very relevant for the FAB interconnector which should allow high carbon fossil fuel generation in Britain (e.g. unabated coal-fired or gas-fired generation) to be replaced by low carbon nuclear generation from France.
- 6.10 Interconnectors enable the volatility in generation output that arises from renewable (and therefore low carbon) sources of generation such as onshore and offshore wind, solar and tidal generation, to be smoothed by connecting these sources across wider geographic regions subject to different weather patterns and tides – again this will be relevant for the FAB interconnector which will provide additional connection between the significant amounts of wind and solar generation in Britain and Ireland with that in continental Europe. Interconnectors can facilitate the connection and integration of renewable sources of generation. The FAB interconnector will also enable the connection and integration (providing a route to market) of tidal generation planned to be developed in the waters around Alderney, which has the second largest tidal resource in North West Europe.

### **Energy Security Benefits**

- 6.11 Interconnectors provide access to another source of electricity and so reduce the probability that there will be insufficient electricity to meet consumers' demand for it. The ability of an interconnector to contribute effectively to energy security depends on a number of factors, including the reliability of the interconnector technology and the probability that the exporting country will have excess generation capacity itself at times of need.
- 6.12 The UK government recognises the contribution that interconnectors make to energy security through awarding capacity contracts to interconnectors through the capacity market. In the first capacity market auction in which interconnectors were eligible (held in 2015) interconnectors to France were set a 60% "country flow" de-rating factor (effectively saying that a fully reliable interconnector to France will be 60% as effective as a fully reliable generating unit in Britain in contributing to energy security at the critical times).

### **EUROPEAN AND UK SUPPORT FOR INTERCONNECTORS**

- 6.13 Governments at the European and national levels have recognised the benefits that greater electricity interconnection can bring.
- 6.14 At the invitation of the March 2014 European Council, the European Commission set a target that all Member States should have electricity interconnectors equal to at least 15% of their electricity generation capacity by 2030. This target is aimed to be achieved mainly through the implementation of Projects of Common Interest (PCIs). As mentioned above, the proposed FAB interconnector is a European Project of Common Interest (PCI) under the provisions of the TEN-E Regulation. The TEN-E Regulation requires PCIs to be given 'priority status' at a national level and should be considered by competent authorities as being in the public interest at the earliest possible stage.
- 6.15 The UK government supports greater interconnection between Great Britain and other European Countries. It summarised its support for this and the measures it was taking to promote this in a document published in December 2013 (More interconnection: improving

energy security and lowering bills, DECC, December 2013). In this document DECC states that:

*“Government supports appropriate further interconnection*

*1. Interconnection has the potential to contribute to Government’s energy security, affordability and decarbonisation objectives, including through facilitating the single European electricity market. Government supports an appropriate increase in interconnection capacity through projects that efficiently deliver on these objectives.*

*2. Evidence commissioned by Government, [published alongside this document,] shows that more interconnection than we currently have is likely to be in GB’s interest. Under some scenarios, GB consumers could see benefits to 2040 of up to £9 billion (net present value).*

*3. It is clear from the analysis that GB’s security of supply would be enhanced by further interconnection, providing that electricity prices reflect scarcity and interconnector flows reflect prices. Interconnection is also one of the technologies that can assist with the integration of further low-carbon generation.*

*4. Government is already taking action and recently supported projects to Norway, Belgium, France and the Republic of Ireland to become European Projects of Common Interest (PCI). Government is also seeking views, through the current Electricity Market Reform (EMR) consultation, on how non-GB interconnected capacity might participate in the GB capacity market in time for the 2015 auction, in recognition of the potential for further interconnection to contribute to security of supply.”*

6.16 The UK Government’s specific support for the FAB interconnector is evidenced by a letter received by the Acquiring Authority from the Minister for Energy dated 6th August 2015 which states that:

*“... the Government is committed to increasing electricity interconnection and is very keen to see good quality interconnection projects come forward which can deliver significant savings for the GB consumer and make a positive contribution to security of supply. I was therefore very pleased to see that Ofgem has now confirmed initial approval for the FAB Link interconnector project to be regulated under the cap and floor ...”*

6.17 The FAB interconnector is also supported by the Government of the States of Alderney which stated in a letter dated 26 November 2015 that:

*"The Government of the States of Alderney is firmly in support of the FAB interconnector. It has recently entered into a legally binding agreement with FAB to facilitate the laying of the necessary cable works both on-shore and off-shore..."*

6.18 The French Government's support for the Interconnector project was confirmed in a Declaration on Energy at the Franco-British Summit of 17 February 2012 which stated:

*"We acknowledge the importance of developing new electricity interconnectors between our two countries in order to strengthen further the linking of our grids, improve the security of our energy supplies and facilitate the integration of intermittent energy sources. We encourage further studies to be undertaken on the interconnector projects currently under consideration, namely...FABLink (France-Alderney-Britain)..."*

### **Impact of Brexit on the FAB interconnector**

6.19 The Acquiring Authority considers that the UK’s referendum vote to leave the EU will not have an adverse impact on the FAB interconnector. Electrical interconnectors already successfully operate between the EU and non-EU countries. The economic rationale behind the project to trade electricity between the UK and the continent remains strong and beneficial to consumers in both the UK and France.

6.20 There are no technical capability aspects associated with the connection of the electric grids in the UK and France anticipated as a result of the UK leaving the EU.

- 6.21 The UK Government continues to support the FAB interconnector. In a letter to the Acquiring Authority dated 18 August 2016 (see Appendix One), the Minister for Energy and Intellectual Property stated:

*"I am writing to you to reiterate the government's support for electricity interconnection where it delivers benefits to the GB consumer. The strategic case for trade in power both for the UK and EU Member States remains as strong as it was before the EU referendum. The fundamentals that drive the energy market have not changed. As a Government, we still need to ensure a secure and reliable electricity supply; we still need to bear down on costs faced by consumers; and we still need to ensure that we integrate low carbon power sources efficiently.*

*Interconnectors and trade in power contribute to all three aims. Whatever the ultimate relationship between EU and the UK, we will be looking for arrangements that allow trade to take place efficiently, based on the market fundamentals, with regulatory arrangements that are as stable and predictable as possible.*

*In the Budget 2016, we confirmed support for an increase of at least 9GW of further interconnection and that position remains. We remain committed to our competitive, market-based approach to interconnection, where developers identify opportunities for future interconnection projects. The key driver of this is the arbitrage opportunity between GB and other markets. Therefore, I hope you continue to make timely progress towards realising the France-Alderney-Britain (FAB) interconnector project..."*

- 6.22 As set out in section 9 of this Statement, the FAB interconnector is a beneficiary of EU funding to support its development in the initial planning phase and is also a designated EU Project of Common Interest.
- 6.23 The completion of the development phase of the FAB interconnector is anticipated at the end of 2017, in advance of any expected withdrawal of the UK from the EU. The raising of finance to fund the construction of the UK and Alderney sections of the FAB interconnector will commence in 2017.
- 6.24 The Acquiring Authority considers that the delivery of the FAB interconnector will not be affected by the UK's referendum vote to leave the EU.

#### **JUSTIFICATION FOR USE OF POWERS OF COMPULSORY ACQUISITION**

- 6.25 As set out above, there is a national need for interconnectors and the Acquiring Authority considers that there would be a significant public benefit arising from the FAB interconnector.
- 6.26 As set out in section 7 of this Statement, the Acquiring Authority has sought, and continues to seek, acquisition of the Order Land, or rights over the Order Land, by negotiation and agreement wherever possible. However, the Acquiring Authority is not in a position to satisfy itself that all the land, rights and interests required to deliver the Scheme can be acquired through negotiation (although attempts will continue). It is therefore necessary to proceed with the Order in order to obtain the necessary land, rights and interests to deliver the Scheme.
- 6.27 The Order land to be acquired and the new rights to be created are the minimum necessary to deliver the Scheme.
- 6.28 The Order is also required to ensure that there are no impediments to the land assembly process, or to the subsequent construction, operation and maintenance of the Scheme. For example, there may be unknown rights or restrictions affecting that land which need to be overridden, removed and/or extinguished in order to facilitate the construction and operation of the Scheme without hindrance.
- 6.29 In order to ensure the Scheme can be delivered, it is necessary for the Order to contain powers to compulsorily acquire land or rights over land notwithstanding that a voluntary agreement has been entered into in respect of that land or rights over land. The Acquiring Authority will only seek to exercise its compulsory acquisition powers in the event that the landowner/occupier has failed to comply with the terms of the voluntary agreement or to the

extent necessary to deal with any third party rights. However, the Acquiring Authority will contractually agree with the landowner/occupier not exercise its compulsory purchase powers against any landowner/occupier who has entered into and complies with the terms of voluntary agreement (except to the extent necessary to deal with any third party rights). This approach is consistent with the approach of other recent interconnector projects.

- 6.30 For the reasons set out in section 11 of this Statement, the Acquiring Authority has concluded on balance that the significant public benefits of the FAB interconnector outweigh the effects upon persons who own property within the Order Land.

## 7. NEGOTIATIONS WITH LANDOWNERS

- 7.1 The Acquiring Authority has sought, and continues to seek, acquisition of the Order Land, or rights over the Order Land, by negotiation and agreement wherever possible, and the making of the Order does not prejudice the rights of the respective owners to settle such negotiations by agreement.
- 7.2 The Acquiring Authority has been in discussions with the landowners mentioned in the Order since March 2016 and a letter was sent to landowners in April 2016 with a brochure explaining the FAB interconnector. All landowners, lessees, tenants and occupiers were invited to a landowner drop in session on 12 July 2016 and the public consultation events on 26, 27 and 28 July 2016.
- 7.3 On 24 June 2016, the Acquiring Authority entered into an Option Agreement for a lease of the site for the converter station and an easement for part of the onshore cable route (plots 18, 19, 20, 21, 22, 23, 24, 24B and 25). The Acquiring Authority has also been able to agree terms with 16 of the owners for acquisition of land or rights over land by agreement which represents 7.7 km of the onshore cable route. These acquisitions by agreement are currently being progressed.
- 7.4 A table summarising the current status of negotiations for each plot is set out below.

Landowner	Plot Numbers	Status of Negotiations
Clinton Devon Estate	52A, 52B, 53, 54A, 54, 55A, 55, 56, 56A, 57, 58, 58A, 59, 60, 61, 62, 63, 63A, 64, 64A, 65, 65A, 66, 67, 68, 68A, 69,70, 74, 74A, 79B, 80, 80A, 81, 82, 83, 85, 86, 92, 93, 93A, 96, 98, 99, 100, 101, 101A, 107, 109	First contact was made with the Clinton Devon Estate in December 2015 where the background of the project and the potential for routing the cables through the estate was discussed. Since the initial contact was made, there have been regular update meetings relating to the emerging route corridor and which routes would be less disruptive taking into account the various tenanted farms and their agricultural operations. A route consultation meeting was held in June 2016 with the landowner to gain feedback on the proposed route through the Estate. Legal documentation was issued on the 26 August 2016. Both parties' solicitors are in discussions and the Heads of Terms are agreed in principle. Access and Compound agreements were issued on 14 November 2016. A conference call took place on the 16 November 2016 to discuss outstanding points regarding construction of the cable route. Updated plans were issued on 23 November 2016. Negotiations are on-going.
The Corporation of Cornwall College	71, 72, 72A, 72B, 73, 75, 75A, 76, 77	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation meeting was held in May 2016 with the landowner to gain feedback on the proposed route through their property. The landowner attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016 and signed Heads of Terms were returned on 12 September

Landowner	Plot Numbers	Status of Negotiations
		2016. A further meeting was held on 26 September 2016 to walk the proposed route. Access and Compound agreements were issued on 14 November 2016. Updated plans were issued on 23 November 2016. Negotiations are on-going.
James Jonathan Hoey Hanna	78, 78A	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in May 2016 with the landowner to gain feedback on the proposed route through their property. A further meeting was held with the landowner and his land agent to discuss the proposed route. The landowner attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016 and signed Heads of Terms were received on the 14 November 2016. Solicitors have been instructed to finalise the documentation.
Charles Henry Gibbins and Velda Gibbins	50, 50A	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in May 2016 with the landowner to gain feedback on the proposed route through their property. A further meeting was held with the landowners and their land agent in July 2016 to discuss the proposed route. The landowner attended the landowner drop in session on the 12 July 2016. Legal documentation was issued on 26 August 2016 and signed Heads of Terms were returned on 17 October 2016. Solicitors have been instructed to finalise the documentation.
Laurence John Wyatt and Julie Maureen Wyatt	44	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowners to gain feedback on the proposed route through their property. A further meeting was held with the landowners and their land agent in June 2016 to discuss the proposed route. The landowners attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016 and signed Heads of Terms were received on 28 October 2016. Solicitors have been instructed to finalise the documentation.
Scott Adey Limited	45, 46, 47, 48, 49	First contact was made in early March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowner to gain feedback on the proposed route through their property. A further meeting was held with the landowner's agent to discuss the proposed route in more detail. The landowner's agent attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016 and signed Heads of Terms were returned on 6 October 2016. Access and Compound agreements were issued on 14 November 2016. Updated plans were issued on 23 November 2016. Solicitors are instructed and negotiations are on-going.
Stephen Earl Prettejohn	39A, 38, 39, 39B, 40	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in May 2016 with the landowner to gain feedback on the

Landowner	Plot Numbers	Status of Negotiations
		proposed route through their property. A further meeting was held with landowner and their agent to discuss the route in more detail in June 2016. The landowner's agent attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received and solicitors instructed on 28 October 2016. Access and Compound agreements were issued on 14 November 2016. Negotiations are on-going.
The Executors of Joyce Edith Eveleigh	41, 41A, 42	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A meeting was held with the landowner's solicitor in June 2016. The landowner did not attend the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. The Acquiring Authority has been in discussions with Mr Eveleigh's solicitor but to date the solicitors have not received instructions from Mr Eveleigh. The Acquiring Authority has offered to pay an advance for Mr Eveleigh's solicitor to review the legal documents and provide Mr Eveleigh with advice on the CPO process. However, Mr Eveleigh is currently not engaging with his solicitor or the Acquiring Authority's land agent. Revised plans were issued on 23 November 2016.
Michael Edwin Murrell and Joanna Leah Murrell	43	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in June 2016 with the landowners to gain feedback on the proposed route through their property. A further meeting was held with the landowners' agent to discuss the proposed route. The landowners' agent attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received on 27 October 2016. Solicitors have been instructed to finalise the documentation.
William James Willcocks and Sally Jane Willcocks	36, 36A	First contact was made in early March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in June 2016 with the landowners to gain feedback on the proposed route through their property. A further meeting with landowners' agent was held in June 2016 to discuss the proposed route in more detail in June. Further correspondence took place during the summer of 2016 between the Acquiring Authority's agent and the landowners' agent regarding the proposed cable depths and cable location. The landowners' agent attended the drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received on 5 October 2016. Revised plans were issued on the 23 November 2016. Solicitors have been instructed to finalise the documentation.
George Arthur Cann and Rosemary Cann	37A, 37, 37B	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in June 2016 with the landowners to gain feedback on the proposed route through their property. A further meeting took place in June 2016 with landowners' agent to discuss

Landowner	Plot Numbers	Status of Negotiations
		the proposed route in more detail. The landowners' agent attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received on the 28 October 2016. Revised plans were issued on 23 November 2016. Solicitors have been instructed to finalise the documentation.
Stuart Partners Limited (Co. Regn. No. 07940731)	30A, 30, 33, 35A, 35	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in June 2016 with the landowner to gain feedback on the proposed route through their property. The landowner attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received on the 31 October 2016. Revised plans were issued on 23 November 2016. Solicitors have been instructed to finalise the documentation.
Kenneth Robert Hawkins and Frances Mary Hawkins	34, 34A	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in June 2016 with the landowners to gain feedback on the proposed route through their property. A further meeting was held with the landowners' agent to discuss the proposal in more detail. The landowners attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016 and signed Heads of Terms were returned on 4 October 2016. There has been correspondence with Mr Hawkins and his agent during November 2016 regarding the legal consents and route tweaks. Revised plans were issued on 23 November 2016. Negotiations are on-going.
David Clark Robinson	32	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowner to gain feedback on the proposed route through their property. The landowner did not attend the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received and solicitors instructed on 2 November 2016. The Acquiring Authority's agent contacted Mr Robinson to discuss progress with the legal documentation on the 22 November 2016. Revised plans were issued on 23 November 2016. Negotiations are on-going.
Jonathon Watts and Heather Jane Watts	31	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowners to gain feedback on the proposed route through their property. Further correspondence was held with their land agent to discuss the route in more detail. The landowners' agent attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. A further meeting was held on 8 November 2016 with the Acquiring Authority's engineer to go through issues regarding future proposals for the cables and site selection. Negotiations are on-going.

Landowner	Plot Numbers	Status of Negotiations
Gerald Anthony Askew and the executors of Colin Henry Fred Askew	27, 28, 27A, 29A, 29, 29B, 110, 111	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowner to gain feedback on the proposed route through their property. The landowner attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. The Acquiring Authority's agent contacted the landowners in September 2016 to confirm receipt of the legal documentation. Gerald Askew confirmed that he had appointed an agent to review the documentation. The Executors of Colin Henry Fred Askew confirmed that they had sent the documentation to their solicitor for review. The Acquiring Authority's agent is having on-going discussions with Gerald Askew's agent and Jill Askew's solicitor. Compound and Access agreements were issued on the 14 November 2016. Revised plans were issued on 23 November 2016. Negotiations are on-going
Gerard Lionel Gordon Noel, Delia Griffith-Williams and John Michael Kennaway	18, 19, 20, 21, 22, 23, 24, 24A, 24B, 25, 25A	First contact was made in September 2014 to discuss the proposed converter station site. On 24 June 2016, the Acquiring Authority entered into an Option Agreement with the landowners for a lease of the site for the converter station and an easement for part of the onshore cable route.
Gordon Walter Rice and Jocelyn Margaret Rice	16A,17A, 16, 17	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowners to gain feedback on the proposed route through their property. The landowners attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received and solicitors instructed on 11 October 2016. The main documents have been agreed and completion is anticipated to take place soon.
Martin John Tatchell	15, 15A	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowner to gain feedback on the proposed route through their property. The landowner's agent attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Both parties' solicitors are in discussions and a revised plan was issued on the 23 November 2016. Negotiations are on-going.
Philip Richard Trump	8, 8A	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowner to gain feedback on the proposed route through their property. The landowner attended the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Signed Heads of Terms were received and solicitors instructed on the 26 October 2016. Revised plans were issued on the 23 November 2016. Negotiations are on-going.

Landowner	Plot Numbers	Status of Negotiations
Katie Jane Down	7	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in early June 2016 with the landowner to gain feedback on the proposed route through their property. The landowner did not attend the landowner drop in session on 12 July 2016. Legal documentation was issued on the 26 August 2016. The Acquiring Authority's agent received a letter from Ms Downs' agent on the 23 September 2016 raising some points which have now been addressed. The Acquiring Authority understands that the Heads of Terms have been signed and will be sent soon. Revised plans were issued on the 23 November 2016. Negotiations are on-going.
Sally Marie Guscott & Alison Jennifer Guscott & Gwendoline Mary Guscott & Elizabeth Jean Darbey	6	First contact was made in March 2016 through a door knocking exercise, explaining the project and gaining up to date contact information. A route consultation was held in June 2016 with the landowners to gain feedback on the proposed route through their property. The landowners attended the landowner drop in session on 12 July 2016. Legal documentation was issued on the 26 August 2016. Signed Heads of Terms were received and solicitors instructed on 28 August 2016. Revised plans were issued on the 23 November 2016. Negotiations are on-going.
The National Trust for Places of Historic Interest or Natural Beauty	1, 2, 3, 4, 9A, 9B, 9, 11, 11A	First contact made with the landowner's agent in March 2016 to discuss the project and impacts this may have on the land and the National Trust's tenants. A route consultation was held in June 2016 with the landowner's agent to gain feedback on the proposed route through the property. The landowner's agent did not attend the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. The National Trust's agent has confirmed that there are no material issues with the proposal however the documentation requires a second board approval before the National Trust can return the documents and instruct solicitors. This is due to be carried out at the start of December 2016. Access and Compound agreements were issued on the 14 November 2016. Revised plans were issued on 23 November 2016. Negotiations are on-going.
Taylor Wimpey Developments Limited & Hallam Land Management Limited	13, 14	First contact was made with the managing director of Hallam Land Management in January 2016. The Acquiring Authority's agent has made repeated attempts to arrange a meeting with Hallam Land Management to discuss the proposed route but Hallam Land Management has not been willing to attend any meetings. The landowners did not attend the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Further contact made with Hallam Land Management in October 2016 who confirmed that the relevant documentation has been forwarded to Taylor Wimpey for review. On 21 October 2016, the Acquiring Authority's agent contacted the landowners to discuss the legal documentation. Negotiations are on-going.

Landowner	Plot Numbers	Status of Negotiations
Hallam Land Management Limited & Taylor Wimpey Developments Limited & Persimmon Homes Limited	12A,12, 12B, 12C, 12D	First contact was made with the managing director of Hallam Land Management in January 2016. The Acquiring Authority's agent has made repeated attempts to arrange a meeting with Hallam Land Management to discuss the proposed route but Hallam Land Management has not been willing to attend any meetings. The landowners did not attend the landowner drop in session on 12 July 2016. Legal documentation was issued on 26 August 2016. Further contact made with Hallam Land Management in October 2016 who confirmed that the relevant documentation has been forwarded to Taylor Wimpey and Persimmon Homes for review. On 21 October 2016, the Acquiring Authority's agent contacted the landowners to discuss the legal documentation. Negotiations are on-going.
East Devon District Council	104, 104A, 105A, 108	First contact was made with East Devon District Council in July 2012 to discuss the background of the project and site selection principles. Further meetings were held throughout 2014, 2015 and 2016 to discuss the proposed route through the Lime Kiln Car Park. Further correspondence has taken place during 2016 between the Acquiring Authority's agent and East Devon District Council to discuss the legal documentation for the option and easement agreements across East Devon District Council's land. Legal Documentation was sent to East Devon District Council on 30 September 2016. The Acquiring Authority's agent has been contacting East Devon District Council for a response however East Devon District Council is currently not engaging with the Acquiring Authority's agent. The most recent correspondence was sent on 22 November 2016.
Devon County Council Plots	8A, 9A, 12B, 12C, 13, 15A, 16A, 17A, 24A, 25A, 27A, 29A, 34A, 35A, 36A, 37A, 37B, 39A, 39B, 41A, 50A, 51, 52, 52B, 54A, 55A, 56A, 58A, 62A, 64A, 65A, 67, 68B, 71, 72A, 74A, 75A, 78A, 79, 79A, 79B, 80A, 84, 85, 86, 87, 88, 89, 90, 91, 93A, 94, 95, 97, 100, 101A, 102, 103, 104A, 105, 105A, 106, 107, 111, 113, 115	Discussions with Devon County Council started in June 2015 to discuss the back ground of the project and the road network. Correspondence has taken place between the Acquiring Authority's agent and Devon County Council regarding the status of highways between June and September 2016. Legal documentation was sent to Devon County Council on 30 September 2016. Plans are currently with their Highways department who are checking whether the land is adopted and whether they intend to adopt this land. The most recent correspondence took place on 22 November 2016 with the Acquiring Authority's agent requesting a response. Negotiations are on-going.
Highways England	26	Initial contact was made in May 2015 to explain the background to the project and potential crossing of and access from the A30. Further correspondence took place in March 2016 regarding the proposed onshore cable route. Once the route was confirmed further discussions were held. Discussions are on-going to determine the extent of the publically adopted land which is affected by the onshore cable route.
Church Commissioners for	26, 30, 30A, 31, 32, 33, 34, 34A, 35,	Initial contact was made in September 2016 to discuss any mines and minerals rights belonging to the Church

Landowner	Plot Numbers	Status of Negotiations
England	35A, 36, 36A, 110, 112	Commissioners which may be affected by the onshore cable route. Matthew Scott from Strutt and Parker has been appointed as the Church Commissioner's agent and discussions have been on-going since 22 September 2016 with the most recent correspondence taking place on 11 November 2016. Negotiations are on-going.
National Grid Electricity Transmission plc	3, 4, 5	An initial meeting took place with National Grid in November 2015 where bay locations, services and entry points for HVAC cable route at Broadclyst Substation were discussed. Discussions have been on-going with Amanda Pritchard at National Grid. An Interface Agreement is being negotiated for the cables within the substation. Negotiations are on-going with the most recent correspondence taking place on the 18 November 2016.
Network Rail	10	Initial contact was made in June 2016 to discuss the proposed works at the railway crossing. Further correspondence has taken place with Network Rail regarding the type of agreement to be put in place along with suggested costs for such an agreement. These are currently being reviewed and negotiated with the most recent correspondence taking place on the 15 September 2016.
Exeter and Devon Airport Limited	112,113	First contact was made in December 2014 regarding the FAB Project and the converter station site. On the 14 November 2016 Access agreements were issued and communications have taken place with Andrew Cox from Rigby Group. Negotiations are on-going.
Christopher John Over, Richard Alexander Biggs and Union Pensions Trustees Limited	114,115	Initial contact was made on the 10 November 2016 to discuss a proposed option for access at Long Lane incorporating some of their registered title. The landowner has instructed agents and terms were issued for access on the 14 November 2016.

## 8. THE PLANNING AND POLICY POSITION

- 8.1 Planning permission is required for the converter station from the local planning authority, East Devon District Council (“**EDDC**”). An outline planning application is to be submitted in December 2016. EDDC confirmed in January 2016 that this application does not require Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Subject to the approval of the outline planning application, a reserved matters application will be submitted to EDDC by August 2017. The draft Planning Supporting Statement published as part of the public consultation pursuant to the TEN-E Regulation sets out the planning policy context in further detail.<sup>6</sup> The Acquiring Authority is not aware of any reason why planning permission will not be granted for the converter station.
- 8.2 The transition joint bay and the onshore cable route are permitted development under Class G, Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Planning permission is not therefore required for those works. An application for a Certificate of Lawfulness of Proposed Use or Development in respect of those works will be submitted to EDDC in December 2016 in accordance with section 192 of the Town and Country Planning Act 1990. The Acquiring Authority is not aware of any reason why a certificate of lawfulness of proposed use of development will not be granted.

<sup>6</sup> <http://www.fablink.net/wp-content/uploads/2016/07/UK-Converter-Station-Planning-Application-and-Planning-Supporting-Statement.pdf>

- 8.3 A section of the onshore cable route will be constructed along the route of the footpath that runs along the western edge of the Otter Valley Grazing Marshes (plots 96). It is proposed that the footpath will be upgraded, which will require engineering works to be undertaken. Those works will require planning permission from EDDC. An application for planning permission will be submitted by January 2017. The Acquiring Authority is not aware of any reason why planning permission will not be granted for these works.

## 9. FINANCE FOR THE SCHEME

- 9.1 The FAB interconnector will be funded by the project partners, RTE and the Acquiring Authority. The Acquiring Authority is funded by its shareholders, ARE and Transmission Investment LLP.
- 9.2 RTE will fund the infrastructure relating to the portion of the FAB interconnector located in France and in French waters. RTE's funding will be secured via tariffs approved by the French energy regulator, the Commission de régulation de l'énergie (CRE).
- 9.3 The Acquiring Authority will fund the UK and Alderney portion of the FAB interconnector. The Acquiring Authority is a special purpose vehicle set up to develop, construct and operate FAB interconnector. The funding for the UK and Alderney portion of the FAB interconnector will be raised before the start of construction. The project has been structured such that the Acquiring Authority can raise funding through a combination of equity sales and a project finance process secured against the future revenues of the asset. This funding model has been applied successfully to other major infrastructure projects including offshore wind farms and other electricity generation schemes.
- 9.4 The total cost of the UK and Alderney portion of the FAB interconnector is estimated to be in excess of £0.5bn, which covers land acquisition, design and construction costs. The costs relating to land acquisition, including compensation payable for the compulsory acquisition of land and rights, for the Scheme are estimated to be £3,012,273.
- 9.5 Revenues from the FAB interconnector are anticipated to be received by the Acquiring Authority and RTE. Such revenues will be apportioned between the Acquiring Authority and RTE based on their respective contributions to the investment costs of the FAB interconnector, subject to the approval of Ofgem and CRE. The Acquiring Authority's revenues will be regulated in accordance with a framework developed by Ofgem called the "cap and floor" mechanism. Under the cap and floor mechanism, over a 25 year period, if revenues exceed the cap, then revenue above the cap is returned to consumers (via the price paid for electricity) by NGET in its role as system operator for the NTS. If revenues fall below the floor then consumers (via the price paid for electricity) top up revenues to the level of the floor. The Acquiring Authority was awarded its "Interim Project Approval" (IPA) by Ofgem in July 2015 which assessed the cost benefit of the FAB interconnector to consumers. In accordance with the Ofgem process, the Acquiring Authority will undergo its "Final Project Assessment" during 2017 to confirm its cap and floor levels (subject to final adjustment after construction).
- 9.6 As a result of the cap and floor mechanism, the Acquiring Authority is confident that sufficient funds will be raised to deliver the FAB interconnector. The revenue floor provides the basis upon which to structure the Acquiring Authority's project finance debt and the cap provides for adequate but not excessive returns for the equity investment.
- 9.7 In terms of pre-construction funding, in May 2015 the FAB interconnector was awarded over €7m development funding by the European Commission through the Connecting Europe Facility (CEF). The CEF funding is available to Projects of Common Interest. The funding awarded represented 50% of the remaining total cost of development envisaged at the time of application. The remainder of the development funding has and will continue to be met by RTE and the Acquiring Authority.
- 9.8 The Acquiring Authority, through its shareholder Transmission Investment LLP, has the necessary experience to develop, finance, construct and operate the Scheme. Transmission Investment LLP (working via its joint venture company Transmission Capital Partners) acquires and manages offshore wind farm connections under the UK's offshore transmission

owner (“OFTO”) regime. Transmission Capital Partners have been awarded six OFTOs by Ofgem. These are:

- 9.8.1 Robin Rigg: The connection to the 180MW Robin Rigg offshore wind farm near Workington, Cumbria.
  - 9.8.2 Gunfleet: The connection to the 172MW Gunfleet Sands offshore wind farm near Clacton, Essex.
  - 9.8.3 Barrow: The connection to the 90MW Barrow offshore wind farm near Barrow-in-Furness, Cumbria.
  - 9.8.4 Ormonde: The connection to the 90MW Barrow offshore wind farm near Barrow-in-Furness, Cumbria.
  - 9.8.5 Lincs: The connection to the 250MW Lincs offshore wind farm near Skegness, Lincolnshire.
  - 9.8.6 Westermost Rough: The connection to the 210MW Westermost Rough offshore windfarm, located off the Holderness Coast in the East Riding of Yorkshire.
- 9.9 For the reasons set out above, the Acquiring Authority will have the necessary funds through a combination of equity sales and a project finance to meet the capital expenditure for the cost of the Scheme and the cost of acquiring the required land and the necessary rights over land (whether compulsorily or by agreement) and any compensation otherwise payable as a result of the exercise of the powers in the Order. The funds will be available prior to the commencement of construction of the Scheme. It is anticipated that construction will commence in early 2018 which will be prior to the expiry of the statutory period to exercise the compulsory acquisition powers in the Order.
- 9.10 It is not anticipated that any claims for blight will arise. Should such claims arise as a consequence of the Order, the costs of meeting claims that are upheld will be met by the Acquiring Authority from the sources of funding described above.

## 10. OTHER CONSENTS AND RELATED APPLICATIONS

- 10.1 This section outlines the consents that are required before the FAB interconnector can be implemented and provides details of related applications.
- 10.2 As a Project of Common Interest, the FAB interconnector requires a “comprehensive decision” authorising its construction from the National Competent Authority (“**NCA**”) under the TEN-E Regulation. In the UK, the Secretary of State of Business Energy and Industrial Strategy is the NCA, but has delegated authority to manage the application process to the Marine Management Organisation (“**MMO**”). The application file for the comprehensive decision will be submitted to the MMO in December 2016. The Acquiring Authority is not aware of any reason why a comprehensive decision will not be granted.
- 10.3 The offshore cables cross the jurisdictions of the following competent authorities: UK territorial waters and Exclusive Economic Zone (“**EEZ**”); France EEZ; and States of Guernsey and States of Alderney territorial waters. The onshore cables in Alderney fall within the jurisdiction of the States of Alderney.

### France

- 10.4 No consents are required for the installation of HVDC cables in the French EEZ. However, RTE has an obligation under Decree No 2013-611 of 10 July 2013 to notify the maritime prefect 6 months before start of offshore installation in the French EEZ.
- 10.5 The onshore HVDC cables in France require permission from the Declaration of Public Utility (DUP). The converter station requires Water Act Declaration, Urban planning compatibility

authorisation and Protected Species Derogation. The Acquiring Authority is not aware of any reason why this declaration, authorisation and derogation will not be granted for these works.

### **Alderney**

- 10.6 The HVDC subsea cables within Alderney and Guernsey territorial waters require a licence under the Food and Environment Protection Act 1985 from the Office of Environmental Health and Pollution Regulation, States of Guernsey. An application for the licence is to be submitted by December 2016. The Acquiring Authority is not aware of any reason why a licence will not be granted.
- 10.7 The onshore cables in Alderney require planning permission under the provisions of the Building and Development Control (Alderney) Law 2002 from the States of Alderney. An application for planning permission is to be submitted in June 2017. The Acquiring Authority is confident that planning permission will be granted for these works.

### **UK territorial waters and EEZ**

- 10.8 The HVDC subsea cables in UK territorial waters and EEZ require a marine licence under the Marine and Coastal Access Act 2009. The MMO confirmed in February 2016 that the application for a marine licence does not require Environmental Impact Assessment. An application for a marine licence is to be submitted in December 2016. The Acquiring Authority is not aware of any reason why a marine licence will not be granted.

### **Other UK consents**

- 10.9 The works comprising the Scheme may require a number of other consents or licences. These include:
- 10.9.1 Consent for hedgerow removal under Regulation 5 of the Hedgerows Regulations 1997.
- 10.9.2 Consent for installing culverts through ordinary watercourses under the Land Drainage Act 1991.
- 10.9.3 Temporary diversions or closures of footpaths under Sections 118 and 119 of the Highways Act 1980.
- 10.9.4 Licences for the protection of protected species under the Conservation of Habitats and Species Regulations 2010.
- 10.10 Where such consents or licences are required, the necessary applications will be made to the appropriate consenting authority. The Acquiring Authority is not aware of any reason why such consents or licences will not be granted.

## **11. HUMAN RIGHTS**

- 11.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 11.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether to confirm the Order:
- 11.2.1 Article 1 of the First Protocol: this protects the right of everyone to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.
- 11.2.2 Article 6: this entitles those affected by the powers sought in the Order to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision making process.

- 11.2.3 Article 8: this protects private and family life, home and correspondence. No public authority can interfere with these rights except such as in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 11.3 The Secretary of State, as the decision maker, is under a duty to consider to what extent the Acquiring Authority's exercise of powers of compulsory purchase would be affected by the rights protected by the Convention.
- 11.4 The Order has the potential to infringe the rights of persons who hold interests in land under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:
- 11.4.1 the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the powers of compulsory acquisition in the Order; and
- 11.4.2 the interference with the convention right is proportionate.
- 11.5 The Acquiring Authority has considered the potential infringement of the Convention rights in consequence of the compulsory acquisition powers within the Order. The Acquiring Authority considers that there would be a significant public benefit arising from the Scheme. The Scheme can only be delivered if the compulsory acquisition powers within the Order are granted.
- 11.6 The Acquiring Authority has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land.
- 11.7 Extensive consultation has been carried out in formulating the Scheme and pursuant to the TEN-E Regulation. Further opportunities for consultation will be allowed within the planning process. The Acquiring Authority will follow the existing legislative provisions relating to compulsory purchase and this allows for objections to be made and compensation is payable to those affected by the Order in accordance with the statutory Compensation Code.
- 11.8 Should the Order be confirmed, any person aggrieved may challenge the Order in the High Court.
- 11.9 In relation to matters of compensation for land, or rights over land, to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body to determine the compensation payable.
- 11.10 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the Order, is proportionate and legitimate and is in accordance with national and European law.
- 11.11 For the reasons set out in this Statement, the Acquiring Authority considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. The Acquiring Authority considers that it would, therefore, be appropriate and proportionate for the Secretary of State to confirm the Order.

## 12. CONCLUSION

- 12.1 This Scheme is supported by national policies.
- 12.2 Alternative design locations have been considered and discounted. The proposed Scheme is the most appropriate and deliverable option. The land and interests in the land sought are no more than is reasonably required for this purpose.
- 12.3 Overall, it is considered that there is a compelling case for the public interest for compulsory acquisition of the Order Land and rights over the Order Land. Furthermore, the required funds are available to meet the costs of land acquisition and any compensation payable.

### 13. LIST OF DOCUMENTS IN CASE OF PUBLIC INQUIRY

- 13.1 In the event of a public inquiry, the Acquiring Authority would intend to refer to or put into evidence the following documents, maps and plans:
- 13.1.1 Board Resolution of FAB Link Limited made on 29 November 2016
  - 13.1.2 Order and maps referred to in the Order
  - 13.1.3 Interconnector Licence dated 24 March 2014
  - 13.1.4 Letter from the Department of Business, Energy and Industrial Strategy dated 18 August 2016
  - 13.1.5 Letter from the Department of Energy and Climate Change dated 7 August 2015
  - 13.1.6 Letter from the Government of the States of Alderney dated 26 November 2015
  - 13.1.7 HVDC Converter Station Site Selection Process Report<sup>7</sup>,
  - 13.1.8 Landfall Selection Process Report<sup>8</sup>
  - 13.1.9 Cable Corridors Selection Process Report<sup>9</sup>
  - 13.1.10 Draft Planning Supporting Statement published as part of the public consultation pursuant to the TEN-E Regulation<sup>10</sup>
  - 13.1.11 Draft UK Cable Route Environmental Risk Assessment Report published as part of the public consultation pursuant to the TEN-E Regulation<sup>11</sup>
  - 13.1.12 Relevant planning policy extracts
  - 13.1.13 Statement of Reasons for the Order
  - 13.1.14 Land Rights Strategy Process Document
  - 13.1.15 Template Option Agreement, Deed of Easement and Letter of Undertaking
- 13.2 The Acquiring Authority reserves the right to supplement the above list in the event of a public inquiry into the Order.
- 13.3 All documents relating to the Order can be inspected at Budleigh Salterton Library, Station Road, Budleigh Salterton, Devon EX9 6RH (Mondays 09.30-18.00, Wednesdays, Fridays and Saturdays 09.30-13.00 and Thursdays 09.30 - 17.30) and at all reasonable hours at Younghayes Centre, Younghayes Road, Cranbrook EX5 7DR and at FAB Link, Transmission Investment, 17th Floor, 88 Wood Street, London EC2V 7DA. The documents are also available to view on the Acquiring Authority's website at <http://www.fablink.net>.

**Dated 2 December 2016**

<sup>7</sup><http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1b-Converter-Station-Site-Selection-Report.pdf>

<sup>8</sup><http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1c-Landfalls-Selection-Process-Report.pdf>

<sup>9</sup><http://www.fablink.net/wp-content/uploads/2016/07/Appendix-1d-Cable-Corridors-Selection-Process-Report.pdf>

<sup>10</sup><http://www.fablink.net/wp-content/uploads/2016/07/UK-Converter-Station-Planning-Application-and-Planning-Supporting-Statement.pdf>

<sup>11</sup><http://www.fablink.net/wp-content/uploads/2016/07/Chapter-2-Project-Description-1.pdf>

**APPENDIX ONE**

**Letter from the Department of Business, Energy and Industrial Strategy dated 18 August 2016**



Department for  
Business, Energy  
& Industrial Strategy

**Baroness Neville-Rolfe DBE CMG**  
Minister of State for Energy and Intellectual  
Property

**Department for Business, Energy &  
Industrial Strategy**  
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Mr Chris Veal  
Transmission Investment,  
17th Floor,  
88 Wood Street,  
London, EC2V 7DA

18 August 2016

Dear Mr Veal,

I am writing to you to reiterate the government's support for electricity interconnection where it delivers benefits to the GB consumer.

The strategic case for trade in power both for the UK and EU Member States remains as strong as it was before the EU referendum. The fundamentals that drive the energy market have not changed. As a Government, we still need to ensure a secure and reliable electricity supply; we still need to bear down on costs faced by consumers; and we still need to ensure that we integrate low carbon power sources efficiently.

Interconnectors and trade in power contribute to all three aims. Whatever the ultimate relationship between EU and the UK, we will be looking for arrangements that allow trade to take place efficiently, based on the market fundamentals, with regulatory arrangements that are as stable and predictable as possible.

In the Budget 2016, we confirmed support for an increase of at least 9GW of further interconnection and that position remains. We remain committed to our competitive, market-based approach to interconnection, where developers identify opportunities for future interconnection projects. The key driver of this is the arbitrage opportunity between GB and other markets. Therefore, I hope you continue to make timely progress towards realising the France-Alderney-Britain (FAB) interconnector project.

I am looking forward to hosting an event in the autumn to discuss the future pipeline of interconnector projects. We plan to use this event to review current delivery challenges and highlight opportunities for the supply chain to support the development of these important infrastructure assets. I hope that you will be able to join me at this event. My officials will provide you with further details in due course.

Please continue to work closely with my officials as you develop your projects. We remain keen to work with you to help address barriers to the timely delivery of FAB and unlock its significant consumer and commercial benefits.

Yours sincerely,

*Lucy Neville-Rolfe*

**BARONESS NEVILLE-ROLFE DBE CMG**