

PROJECT

**NATIONAL GRID VIKING LINK LIMITED (VIKING LINK INTERCONNECTOR)
COMPULSORY PURCHASE ORDER 2019**

SUMMARY PROOF OF EVIDENCE

**ANDREW MCINTOSH
PROJECT DEVELOPMENT DIRECTOR
NATIONAL GRID VIKING LINK LIMITED**

1. **QUALIFICATIONS AND EXPERIENCE**

- 1.1 In section 1 of my proof of evidence ("Proof") I confirm that I am Andrew McIntosh, Project Development Director for the Viking Link Interconnector and provide a summary of my career history and experience.

2. **INTRODUCTION AND SCOPE OF EVIDENCE**

- 2.1 Section 2 of my Proof explains that the overriding test with which the Secretary of State must be satisfied in order to confirm the Order is whether there is a compelling case in the public interest to justify the proposed interference with the private rights of those who have interests in the land affected (“the Order Land”) and that there are also a number of general considerations set out in the Ministry of Housing, Communities and Local Government’s *Guidance on Compulsory purchase process and The Crichel Down Rules* (Updated February 2018) (“the CPO Guidance”) (CD Ref: A.12) that need to be demonstrated to the satisfaction of the Secretary of State. It then sets out the scope of my evidence.

3. **THE VIKING LINK INTERCONNECTOR**

- 3.1 This section describes the Viking Link Interconnector and the UK Onshore Scheme and confirms that it is part of National Grid's investment strategy in interconnector projects.

4. **THE NEED FOR THE PROJECT**

- 4.1 Section 4 of my Proof highlights the fact that UK energy and planning policy clearly recognise the vital role of interconnectors in meeting the UK's energy need, in terms of diversifying and securing the energy supply and meeting climate change obligations and that the Viking Link Interconnector is an important part of a wider shift in energy infrastructure, which is responding to the need for increased interconnection and the benefits which can be realised.

5. **THE LAND AND RIGHTS REQUIRED FOR THE UK ONSHORE SCHEME**

- 5.1 This section of my Proof explains that all of the rights and interests in land proposed to be acquired under the Order are required for the purpose of constructing, operating and maintaining the Viking Link Interconnector and are reasonable and proportionate. Importantly, NGVL is taking a proportionate approach to compulsory purchase and does not propose to acquire any land or rights beyond those that are reasonably required.
- 5.2 NGVL therefore has a clear idea of how it intends to use the land and rights over land that it is proposing to acquire as required by paragraph 13 of the CPO Guidance (CD Ref: A.12).

6. **ACQUISITION STRATEGY AND STATUS OF NEGOTIATIONS**

- 6.1 Section 5 of my Proof confirms that NGVL has made determined and persistent efforts to engage and negotiate with landowners and has made very good progress in agreeing Heads of Terms for agreements, and concludes that I therefore consider that NGVL has demonstrated compliance with paragraph 2 of the CPO Guidance (CD Ref: A.12).

7. **SCHEME DELIVERY AND FUNDING**

- 7.1 Section 7 of my Proof advises that planning permission has been granted for the entirety of the UK Onshore Scheme. It also confirms that all other necessary consents have been obtained and that NGVL received the TEN-E Comprehensive Decision in respect of the consenting of the Viking Link Interconnector from the Marine Management Organisation on the 6th of February 2019.
- 7.2 It explains that I am therefore confident that the Viking Link Interconnector is unlikely to be blocked by any physical or legal impediments to implementation as required by paragraph 15 of the CPO Guidance (CD Ref: A.12).
- 7.3 With regard to funding, section 7 of my Proof explains that NGVL has assessed the costs of implementing the Viking Link Interconnector (of which the UK Onshore Scheme forms part), and the costs of acquiring the necessary land and rights over land required for the UK Onshore Scheme.
- 7.4 On the 26th of September 2018 the National Grid plc board made a commitment to fund the Viking Link Interconnector project from its operational revenues, including the costs of acquiring the necessary land and rights over land needed for the UK Onshore Scheme.
- 7.5 It concludes that I am therefore satisfied that the requisite funding is available to meet the construction and land acquisition/compulsory purchase compensation costs associated with the UK Onshore Scheme as and when required (including any advance payments and blight claims) in accordance with paragraphs 13 and 14 of the CPO Guidance (CD Ref: A.12).

8. POWER UNDER WHICH THE ORDER IS MADE AND DECISION TO MAKE THE ORDER

- 8.1 Section 8 of my Proof begins by explaining that as the holder of an Electricity Interconnector Licence (dated 12th November 2014 (“Licence”) (CD Ref: E.1), NGVL may, by virtue of section 10 of and schedule 3 to the Electricity Act 1989 (“1989 Act”) (CD Ref: A.1), be authorised to purchase compulsorily land and/or rights required to enable NGVL to carry on the activities authorised by its Licence, and in particular to purchase the land and rights required to enable it to construct or extend the Viking Link Interconnector or for activities connected with the Viking Link Interconnector’s construction, extension or operation. It reiterates that all of the land and rights in land proposed to be acquired under the Order are needed for these purposes.
- 8.2 Section 8 concludes by confirming that following the Final Investment Decision, and having satisfied themselves that the principles set out in the CPO Guidance (CD Ref: A.12) were satisfied, the NGVL Board took the decision to make the Order in reliance on the powers in section 10 of and schedule 3 to the 1989 Act, and on the 15th of January 2019 the Order was made.

9. **HUMAN RIGHTS**

- 9.1 This section of my Proof confirms that the requirements of the Human Rights Act 1998 and the Convention (CD Ref: A.2 and A.4), particularly the rights of property owners, have been fully taken into account. It explains that there is a compelling case in the public interest for the Order to be made and confirmed, and interference with the private rights of those with an interest in the land affected would be the inevitable result of the exercise of compulsory purchase powers conferred by the Order and would be lawful, justified and proportionate.
- 9.2 It confirms that NGVL has taken particular care to minimise the impact of the Order on those affected by it, and save as explained, I do not consider that the UK Onshore Scheme will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic.

10. **BREXIT**

- 10.1 Section 10 confirms that NGVL and Energinet remain fully committed to building and operating the Viking Link Interconnector and that this commitment is not dependent on UK's membership of the EU.

11. **RESPONSE TO OBJECTIONS**

- 11.1 I in this section I acknowledge that 13 objections were made to the Order. Those made by Witham Fourth Internal Drainage Board (OBJ7), Black Sluice Internal Drainage Board (OBJ8), Lindsay Marsh Drainage Board (OBJ9), Mr and Ms Stanley (OBJ11), and P&N Benjamin (OBJ12), have since been withdrawn. I note that the table at the Appendix to my Proof details the remaining objectors, summarises their grounds of objection, and either summarises NGVL's response or confirms which of the other proofs of evidence submitted to the inquiry by NGVL addresses a particular ground of objection.

12. CONCLUSIONS

- 12.1 I begin my conclusion by noting that the need for and benefits of the Viking Link Interconnector are clearly set out in section 4 of my Proof (NGVL/AM/1) and that as a 'Project of Common Interest' the Viking Link Interconnector has been specifically identified as being of "*overriding public interest*".
- 12.2 I reiterate that NGVL has made determined and persistent efforts to engage and negotiate with landowners and very good progress has been made in securing the necessary land and rights over land. However, without the confirmation of the Order it is unlikely that all the land and rights needed for the Viking Link Interconnector, which is of national and European importance, could be secured.
- 12.3 I confirm that NGVL and Energinet have the experience, resources and commitment to deliver the Viking Link Interconnector.
- 12.4 I reiterate that the requirements of the Human Rights Act 1998 and the Convention (CD Ref: A.2 and A.4) particularly the rights of property owners, have been fully taken into account and that here is a compelling case in the public interest for the Order to be made and confirmed.
- 12.5 I also reiterate that NGVL and Energinet remain fully committed to building and operating the Viking Link Interconnector and that this commitment is not dependent on UK's membership of the EU.
- 12.6 I conclude that for the reasons set out in my Proof, I consider that the criteria in the CPO Guidance (CD Ref: A.2) have been satisfied and I am convinced that there is a compelling case in the public interest for the confirmation of the Order.

Declaration

I believe that the facts stated in this proof of evidence are true.

Mr Andrew McIntosh

Date: 4 June 2019