

LAND AND NEGOTIATIONS

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

SUMMARY PROOF OF EVIDENCE

**OLIVER HESELTON
SENIOR SURVEYOR
NATIONAL GRID**

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 In section 1 of my proof of evidence ("Proof") I confirm that I am Oliver Heselton, DipSURV, FRICS, FAAV, Senior Surveyor in the Acquisitions and Surveying team in National Grid, and provide a summary of my career history and experience. I confirm that I am a Senior Surveyor in the Acquisitions and Surveying team in National Grid and that I have provided strategic direction on the Land Rights and Acquisition Strategies for the Viking Link Interconnector in my role as the Land Team Technical Lead.

2. INTRODUCTION AND SCOPE OF EVIDENCE

- 2.1 Section 2 confirms that my Proof covers all matters relating to the acquisition of land and rights for the UK onshore element of the Viking Link Interconnector (“the UK Onshore Scheme”). It then sets out the scope of my evidence.
- 2.2 There are seven appendices to my Proof which provide further detail on landowner engagement (Appendix 1 and 2), negotiations (Appendix 4-8) and remaining objectors to the Order (Appendix 9). I also refer to plans to assist with my description of the land included in the Order (Appendix 3).

3. DESCRIPTION OF THE ORDER LAND

Overview of the Order Land

- 3.1 Section 3 of my Proof describes the land included in the Order (which is shown outlined in red on the Maps that accompany the Order) (CD Ref: D.2) ("Order Land"). It also describes in more detail the five key areas, affected by the UK Onshore Scheme, namely, the Landfall point; High Voltage Direct Current ("HVDC") route; the converter station and access road; the High Voltage Alternating Current ("HVAC") route; and the connection point.
- 3.2 This section also describes the nature and cropping of the Order Land and also describes a number of notable physical features along the HVDC route. Greater detail of the type of land and its general cropping regime is provided in the proof of evidence of Mr David Royle of Land Drainage Consultancy Ltd.
- 3.3 This section also describes the ownership and occupation of the Order Land. It further explains the mixture of owner/occupied freehold land and that which is subject to Leases, Agricultural Holdings Act tenancies, Farm Business Tenancies and licences/profit á prendre relationships.
- 3.4 This sections goes on to explain that the Order Land also comprises Special Category Land which is dealt with in greater detail at Section 7 of the Proof and covers Crown Land, Open Space Land and Statutory Undertakers land.

4. NEED FOR THE ORDER LAND

The land and rights to be acquired pursuant to the order

- 4.1 This section of my Proof explains that the Order Land comprises all of the land and rights required for the construction, operation, repair, maintenance and decommissioning of the UK Onshore Scheme.
- 4.2 It further explains that National Grid Viking Link Limited ("NGVL") is taking a proportionate approach to land acquisition by seeking only to acquire freehold title to parcels within the Order Land where the same is required for the purposes of above ground permanent infrastructure and its associated landscaping and access. In all other instances, tailored packages of rights have been created for the installation of the cables, their ongoing operation, maintenance and protection and for associated purposes identified.
- 4.3 This section also sets out the rights which are sought in the Order and groups them into distinct packages based on their purpose and applies them to specific plots, as appropriate. It explains that some of the rights are only required for temporary purposes, such as the creation of construction compounds, and will only be exercised during the construction phase. Other rights will be permanent in nature, such as the right to keep installed, operate, maintain and decommission the cables. It also seeks to explain that other rights such as the right to access the land for the purpose of maintaining the cables, whilst permanent in nature, will in practice only be exercised intermittently.
- 4.4 This section also explains the justification for freehold acquisition of a limited number of plots.
- 4.5 Section 4 of my Proof goes on to explain that all of the land required for the delivery of the UK Onshore Scheme has been included in the Order even where Heads of Terms ("HoTs") have been agreed with landowners. This is necessary to ensure that NGVL is able to complete the purchase of land and rights in the event that purchase by agreement in accordance with HoTs is, for whatever reason, not completed such as would prejudice the timely delivery of the UK Onshore Scheme.
- 4.6 It further explains that NGVL has however, as part of its HoTs negotiations, agreed not to exercise its powers of compulsory acquisition pursuant to the Order in respect of the landowner's interests in the Option Area which are subject to the voluntary agreement, save in the event of a few specific scenarios.

5. ACQUISITION STRATEGY

- 5.1 This section of my Proof confirms that NGVL's preference will always be to secure land rights on a voluntary basis and that this will be through negotiation with individual landowners to obtain an option agreement for the grant of an easement for the cables and for an acquisition or long lease of the converter site. This section then explains that to help to facilitate this National Grid's Land Rights Strategy ("LRS") has been used. My Proof then goes on to explain the LRS, its development, and its approach, which is in line with the *Ministry for Housing Communities and Local Government's Guidance: Compulsory purchase process and the Criche Down Rules* (Feb 2018) ("CPO Guidance") (CD Ref: A.12).
- 5.2 Section 5 of my Proof explains the compensation payments being offered by NGVL for the rights being sought and the mechanism of incentivisation.
- 5.3 My Proof then goes on to explain the principles underlying the CPO Compensation Code.

6. STATUS OF NEGOTIATIONS

- 6.1 This section of my Proof confirms the extent of landowner engagement. It explains that in accordance with the LRS NGVL have sought to ensure that all reasonable efforts have been made to reach a voluntary agreement with affected landowners and occupiers and where possible their concerns have been considered and, if appropriate, addressed by the project team.
- 6.2 This section also explains that in addition to seeking to acquire land by agreement, NGVL has taken other steps to try to help owners and occupiers affected by the Order. The NGVL Land Team has attended several meetings with the National Farmers Union and also with representatives from the Lincolnshire Association of Agricultural Valuers as part of their Land Interest Group . The LRS and acquisition strategy has been discussed at those meetings in some detail as has the content of NGVL's proposed HoTs.
- 6.3 This section also confirms that NGVL have set out their commitments to landowners and/or occupiers in a Code of Practice (CD Ref: E.4) which provides information on the working practices of NGVL and their contractors, and describes the key mitigation measures relating to land drainage, farming operations and disturbance.
- 6.4 This section of my proof confirms the progress on negotiations to date with HoTs being agreed over 98.8% of the HVDC route, and 100% of the HVAC route.

7. SPECIAL CATEGORY LAND

- 7.1 This section of my Proof describes those parts of the Order Land for which special provision is made relating to Crown Land, Open Space, and Statutory Undertakers and explains NGVL's position on the need for Gas and Electricity Markets (GEMA) Consent.

8. COMPLIANCE WITH CPO GUIDANCE

8.1 This section seeks to explain how the following paragraphs of the CPO Guidance (CD Ref: A.12) have been complied with.

- Paragraph 2;
- Paragraph 3;
- Paragraph 13; and
- Paragraph 16

9. CONSIDERATION OF OBJECTIONS RECEIVED

9.1 Section 9 of my Proof confirms that a total of 13 objections were made to the Order. This section and the appendix explain and show the ongoing discussion and negotiation that continues to take place and which has resulted in the following five of those objections being withdrawn:

- Witham Fourth Internal Drainage Board (OBJ 7);
- Black Sluice Internal Drainage Board (OBJ 8);
- Lindsay Marsh Internal Drainage Board (OBJ 9);
- Mr J and Ms D Stanley (OBJ 11); and
- Mr P and Mr N Benjamin (OBJ 12);

10. SUMMARY AND CONCLUSIONS

- 10.1 I begin my conclusion by confirming that I have provided a description of the Order and explained the land and the new rights that are required in order to deliver the UK Onshore Scheme.
- 10.2 I continue by describing the acquisition strategy pursued by NGVL in respect of the UK Onshore Scheme and I have explained the status of negotiations with landowners, including the extent of land and rights already secured by agreement.
- 10.3 I confirm that I have explained the status of negotiations in respect of special category land.
- 10.4 I have provided an explanation as to how NVGL has complied with the CPO Guidance and have reiterated the attempts NGVL has made to acquire land and rights by agreement.
- 10.5 I reiterate that for the reasons explained in my Proof I consider that all of the land and rights included in the Order are necessary for the construction, operation, maintenance and protection of the UK Onshore Scheme and that NGVL has undertaken all reasonable steps to acquire those rights and land by agreement.

11. Declaration

I confirm that the opinions expressed in this Proof are my true and professional opinions.

Date: 4 June 2019