



Making a positive difference
for energy consumers

The Rt Hon Greg Clark
Secretary of State
Department for Business, Energy and Industrial Strategy

1 Victoria Street
London SW1H 0ET

For the attention of: Denise Libretto

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Date: 24 November 2017

Dear Sir,

GEMA consent for compulsory purchase order: FAB Link Limited (Budleigh Salterton to Broadclyst) Compulsory Purchase Order 2016

Whereas

1. FAB Link Limited ("the acquiring authority") has asked the Secretary of State ("the SoS") for the Department for Business, Energy and Industrial Strategy ("BEIS") to confirm a Compulsory Purchase Order made on 2 December 2016 for the compulsory acquisition of land (including rights over land) specified in the FAB Link Limited (Budleigh Salterton to Broadclyst) Compulsory Purchase Order 2016 ("the Order").
2. The Order was accepted by BEIS for consideration on 6 March 2017.
3. Before the SoS can confirm the Order, the SoS requires the consent of the Gas and Electricity Markets Authority ("the Authority") where any land subject to compulsory acquisition, including rights over land, belongs to another licence holder ("the incumbent licence holder").
4. Paragraph 2 of Schedule 3 to the Electricity Act 1989 ("the Act") provides that the Authority shall not give its consent if:
 - (a) the land is being used by the licence holder to whom it belongs for the purposes of an installation necessary for the carrying on of the activities which he is authorised by his licence to carry on; or
 - (b) it appears to the Authority that the land will be so used and that the use will commence, or any necessary planning permission or consent under section 36 or 37 of the Act will be applied for, within the period of five years beginning with the date of the application for his consent.
5. The five-year period specified in paragraph (b) above is from the date that the SoS requested the Authority's consent.

6. On 10 April 2017, the SoS requested consent from the Authority in respect of plot numbers 3, 4 and 5 in the Order (as set out in Table 1 below) because an incumbent licence holder, National Grid Electricity Transmission, holds land rights in those plots.

Table 1. Relevant plot numbers in the Order.

<u>Plot number</u>	<u>Description of plot</u>	<u>Interest held by Incumbent</u>
3	Interconnector Rights over approximately 2013 square metres of grassland east of Higher Burrowton, Broadclyst, Exeter and west of Exeter Main Substation, Broadclyst registered at the Land Registry under title number DN559905.	Lessee
4	Interconnector Rights over approximately 506 square metres of woodland east of Higher Burrowton, Broadclyst, Exeter and west of Exeter Main Substation, Broadclyst registered at the Land Registry under title number DN559905.	Lessee
5	Interconnector Rights over approximately 197 square metres of woodland east of Higher Burrowton, Broadclyst and west of Exeter Main Substation, Broadclyst registered at the Land Registry under title number DN593017.	Owner

7. The Authority asked for evidence from the incumbent licence holder to establish whether paragraphs 2(a) and/or 2(b) of Schedule 3 to the Act applies in respect of the plots in the Order which are held by the incumbent licence holder.
8. The incumbent licence holder provided a statement to the Authority on 29 September 2017 to show that it is not using the land in a manner as set out in Schedule 3 paragraph 2(a) and/or 2(b) of the Act.
9. In reaching a decision, the Authority's assessment is based on the conditions set out in Schedule 3 paragraph 2 of the Act and consideration of its principal objective.

Reasons for the Authority's decision to grant consent

10. The Authority is satisfied that consent be granted for the Order because:
- (a) from the information provided, it appears that the incumbent licence holder is not using the land in a manner as set out in Schedule 3 paragraph 2(2) or 2(b) of the Act;
 - (b) from the information provided, it does not appear that the Order would impinge on the incumbent licence holder's duty to develop and maintain an efficient, coordinated and economical system of electricity transmission; and
 - (c) from the information provided, it does not appear that the Order will prejudice or have any undue impact on any electricity customers.

Now therefore:

11. The Authority gives its consent to the Secretary of State for the Order.
12. This consent has effect from the date of this letter and shall cease to have effect if it is not acted upon within six months beginning with the same date, as provided for in paragraph 2(4) of Schedule 3 to the Act.

Yours faithfully,



Steven McMahon
Associate Partner, RIIO Networks