

Application by East Anglia One Ltd for East Anglia ONE Offshore Wind Farm (the application) located approximately 43 km from the Suffolk Coast

Hearing Agenda: Compulsory Acquisition Hearing

Infrastructure Planning (Examination Procedure) Rules 2010

This document sets out agendas for Compulsory Acquisition Hearing. The Hearing will commence on **Tuesday 8 October**, continuing on **Wednesday 9, Thursday 10 and Friday 11 October**, as required, at **Trinity Park, Felixstowe Road, Ipswich, IP3 8UH**. Please note that Wednesday 9 October was reserved to cover any matters raised in outstanding s127, s138 and/or s132 applications, however these matters may be covered on Tuesday 8 October. On each day, registration will begin at 9.30am and the hearing session will commence at 10.00am.

Participation in hearings

- All affected persons and the applicant are entitled¹ to attend the hearing and make oral representations about the compulsory acquisition request
- Entitlement to participate is subject to the Examining Authority's power of control over the hearing

Conduct and management of hearings

- Guidance² under the Planning Act 2008 (PA2008) provides that the Examining Authority (ExA) will probe, test and assess evidence through direct questioning of persons making oral representations at hearings. Except where identified in these agendas, questioning will be by the Examining authority, who will ensure participants have a fair chance to put their case and benefit from their entitlement to make oral representations.
- The ExA will identify the matters to be considered at the start of each hearing³.
- These agendas are indicative and may be amended by the ExA.
- Oral representations (including those made in response to questions) must be based on the relevant or written representations made by the person by whom (or on whose behalf) the oral representations are made⁴.

¹ S92(4) Planning Act 2008 (PA2008)

² Paragraph 92, (April 2013) Planning Act 2008: Guidance for the examination of applications for development consent, DCLG.

³ Rule 14(2) The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR)

⁴ Rule 14(3) EPR

- Where an agenda item includes matters, such as new revised DCLG Guidance, which have not been the subject of any written representation to date and an interested party wishes to respond, oral representations on new evidence may be made, but the interested party is requested⁵ to bring **six written copies of their intended representation**, for the benefit of the ExA and others taking part in the hearing.

Agenda

1. The general principles applicable to the compulsory acquisition of land and rights over land.

- 1.1 Whether the purposes for which the compulsory acquisition powers are sought comply with s122(2) of the Planning Act 2008?
- 1.2 The revised DCLG guidance on associated development and compulsory acquisition for the application.
- 1.3 The justification for seeking compulsory acquisition powers in respect of additional land required to accommodate the East Anglia THREE and East Anglia FOUR duct corridor.
- 1.4 What consideration has been given to all reasonable alternatives to compulsory acquisition?
- 1.5 How can the Secretary of State be satisfied that the land to be acquired is no more than is reasonably necessary for the purposes of the development?
- 1.6 Having regard to s122(3) of the Planning Act 2008 is there a compelling case in the public interest for the land to be acquired compulsorily?

2. Whether adequate funding is likely to be available

- 2.1 The funding agreement.
- 2.2 The financial status of the relevant companies.
- 2.3 The funding for the East Anglia THREE and East Anglia FOUR projects.

3. Whether the purposes of the proposed compulsory acquisition justifies interfering with the Human Rights of those with an interest in the land affected.

- 3.1 What regard has been had to Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol?
- 3.2 The degree of importance attributed to the existing uses of the land proposed to be acquired.
- 3.3 The weighing of any potential infringement of Convention rights against the potential public benefits if the Order is made.

4. The acquisition of statutory undertaker's land - s127 of the Act.

⁵ Rule 17 EPR

5. **The acquisition of commons, open space etc – s132 of the Act.**
6. **The position in relation to Crown land having regard to the provisions of s135(2) of the Act.**
7. **The relevant draft Development Consent Order provisions.**
8. **Any particular issues relating to the compulsory acquisition powers sought in respect of sites where agreement with those with an interest in the land has not been reached.**