



The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

East Anglia TWO Offshore Wind Farm - Proposed Provision for the Compulsory Acquisition of Additional Land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28 day due date	Date of decision
	02 November 2020	01 December 2020	19 November 2020
Regulation 6(2)	Planning Inspectorate Comments		
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	<p>In its letter dated 2 November 2020 [REP1-001] under paragraphs headed 'Application for the Inclusion of Additional Land', the Applicant has made a request to include in an Order granting development consent a provision authorising the compulsory acquisition of additional land: saying ... 'an Application for the Inclusion of Additional Land has been submitted at Deadline 1 which sets out full details of the proposed changes. This document has been prepared in the context of section 123 of the Planning Act 2008 and Regulation 4 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the Compulsory Acquisition Regulations)'. The additional land is as described and defined in a document entitled 'Application for the Inclusion of Additional Land' [REP1-037] submitted on the same date. It seeks four additions to the Order land:</p> <ul style="list-style-type: none"> • Expansion of Order Limits at Work No. 7 for a temporary water supply (Plot 8 modified and additional plot 8A created); 		



	<ul style="list-style-type: none">• Expansion of Order Limits at Work No. 15 for a temporary diversion of Public Right of Way E-363/027/0 (Plot 31 extended);• Expansion of Order Limits at Work No 33 (High House Farm) for a permanent diversion of Public Right of Way E-363/027/0 and associated landscape works (Plot 130 to be extended); and• Expansion of Order Limits at Work No 33 (Woodside Barn Cottages) for an alternative route for a surface water outfall connection (Plot 104 modified and additional plots 104A, 104B and 104C created).
<p>(b) a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>The changes divide between changes relating to new land or rights but not engaging new Affected Persons and changes introducing new Affected Persons. There are new Affected Persons introduced as a consequence of the changes.</p> <p>The Applicant's document entitled 'Application for the Inclusion of Additional Land' [REP1-037] makes clear at paragraph 4 (b) that the following circumstances apply: 'a person with an interest in the additional land does not consent to the inclusion of such provision in the order'. Paragraph 5 states that '[t]he Applicant has discussed the proposed changes with the affected landowners and occupiers; however written consent of all persons with an interest in the additional land has not been possible to obtain as at Deadline 1' (2 November 2020 - the submission date of the document). It continues to state that '[t]his document is therefore submitted in parallel with the Applicant's ongoing negotiations with affected landowners to obtain voluntary land agreements'.</p> <p>It follows that at least one person with an interest in the additional land does not consent and, at the present time, no evidence has been provided that all such persons consent in relation to the additional land.</p>



Summary – Regulation 4	The proposed provision is one to which regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply.
Regulation 5 - Proposed Provision	
The applicant must send to the Secretary of State details of the proposed provision which must—	
(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;	<p>The Applicant made a submission pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 at Deadline 1 (2 November 2020). That submission included:</p> <ul style="list-style-type: none"> • an 'Application for the Inclusion of Additional Land' [REP1-037] annexing (at Appendix 2) a table recording the new Affected Persons and Plots (in intention and effect a supplement to the Book of Reference when read with the documents recorded below); • a revised Book of Reference (Rev 04) [REP1-015] in which the additional land interests are recorded in all relevant parts; and • a schedule of changes to the Book of Reference (Rev 02) [REP1-016] in which the reasons for changes relating to the additional land request are recorded as '[n]ew plot added to DCO order limits'.
(b) be accompanied by— <ul style="list-style-type: none"> (i) a land plan identifying the land required as additional land, or affected by the proposed provision; and (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded. 	<p>The Applicant made a submission pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 at Deadline 1 (2 November 2020). That submission also included:</p> <ul style="list-style-type: none"> • an 'Application for the Inclusion of Additional Land' [REP1-037] annexing (at Appendix 1) inset plans showing additional land (in intention and effect a Land Plan identifying the additional land); • in the same document [REP1-037] at paragraphs 10 to 21 and Table 1 reasons why the additional land is sought are set out;



	<ul style="list-style-type: none">• a revised set of Land Plans Onshore (Rev 03) [REP1-004] includes the additional land requested;• a revised Statement of Reasons (Rev 02) [REP1-006] (clean) and [REP1-007] (tracked changes) includes amended reasons that address the land request; and• a revised Funding Statement (Rev 02) [REP1-008, 010, 012, 013] (clean) and [REP1-009, 011, 14] (tracked changes) includes amended funding estimates [REP1-013, 014]. In respect of funding, there is an error in the original total (12.209 should read 12.343) but evidence for the Applicant nevertheless suggests (Property Cost Estimate Report, Dalcour Maclaren [REP1-013, 014]) that the additional land does not give rise to any requirement for additional funding, a position that is justified on the basis that the additional land request was also accompanied by a proposal to exclude other land from the Order land [REP1-039] and that the balance and adequacy of funding therefore remained unaffected.
Summary – Regulation 5	<p>A document amounting to a supplement to the Book of Reference (as permitted by Regulation 5 (a)) has been submitted and this is supported by an integrated revised Book of Reference for the DCO application that also contains information about the proposed additional land. Similarly, a document amounting to a supplemental Land Plan has been provided but this is supported by an integrated revised Land Plan Onshore for the DCO application that also locates and identifies the proposed additional land. A Statement of Reasons and Funding Statement are also provided as integrated revised documents, supplemental to the DCO application. This is not strictly in accordance with Regulation 5(b) but is sufficient to explain the proposed provision.</p>



Case Manager

Emre Williams

Em r é W i l l i a m s

Signed

Date:

19 November 2020

**Lead member of the
Examining Authority**

Rynd Smith

R y n d S m i t h

Signed

Date:

19 November 2020
