



East Anglia ONE North Offshore Wind Farm and
East Anglia TWO Offshore Wind Farm

**Agenda for Compulsory Acquisition Hearings 2 (CAH2):
Persons Affected by Compulsory Acquisition and Temporary Possession**

- Date and time:** **Tuesday 16 February 2021 at 10.00am**
This agenda applies to each project separately, but matters pertaining to each project will be heard at the same time using the same agenda.
- Venue:** **Virtual hearings via Microsoft Teams**
Full instructions on how to join online or by phone will be sent to participants shortly before the hearings.
- Arrangements Conference:** **9.20am**
Participants must join the Arrangements Conference in order to register and be admitted to the hearings in good time for a prompt start.
- Hearing start time:** **10.00am**
- Purpose:** To enable the ExA for each application to hear persons affected by compulsory acquisition (CA) and temporary possession (TP), both in respect of the original applications and the changes.
- Hearing guidance:** please see **Annex B1** to this agenda
- Participants:** It would assist the ExAs if the following persons attend and participate:
- the Applicants;
 - Suffolk County Council (SCC);
 - East Suffolk Council (ESC);
 - Anglian Water Services Ltd;
 - Cadent Gas Ltd;
 - EDF Energy Nuclear Generation Ltd (Sizewell B);



- National Grid Electricity Transmission (NGET);
- Network Rail Infrastructure Ltd;
- NNB Generation Co (SZC) Ltd;
- Any other persons whose land and/or rights are affected and who wish to object to either or both applications and/or the changes to either application¹ **on the basis that the Applicants have not complied with the relevant legal tests, policy and guidance** in respect of their individual interests

Participants are requested to contact the Planning Inspectorate by **Wednesday 10 February 2021** to confirm their attendance.

¹ Applications for the Inclusion of Additional Land [REP1-037] submitted at Deadline 1 (2 November 2020)(the 'proposed provisions') were accepted for Examination by the ExAs on 19 November 2020 [PD-022] and Relevant Representations were invited from 8 December 2020 to 13 January 2021. No relevant representations have been received. However, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 provide that any **additional Affected Person** (a person with land or rights affected by the proposed provisions) can involve themselves in the Examinations. Correspondence explaining how that can occur was sent by the ExAs on 5 February 2020 and can be found for [East Anglia ONE North](#) here and for [East Anglia TWO](#) here. Additional Affected Persons may request to be heard at these hearings if they wish to do so. They may raise any new matter relevant to the Agendas or any matter relevant to the Agendas of CAHs1. To assist your consideration of a request to be heard in respect of any matters relevant to or arising from CAHs1, all agendas, recordings of hearings and action lists can be found on the relevant project page of the National Infrastructure Planning Website for [East Anglia ONE North](#) and [East Anglia TWO](#).



Agenda for CAHs2 – Tuesday 16 February 2021

09.20am	Arrangements Conference
	Registration by the case team

10.00am	Compulsory Acquisition Hearings 2
1.	Welcome, introductions and arrangements for these Compulsory Acquisition Hearings 2
2.	ExAs' opening remarks – the purposes of the hearings To enable the ExA for each application to hear individual objections from Affected Persons, whether in respect of either or both of the original applications and/or the changes. Then insofar as the available hearing time permits, to hear and if possible conclude on any outstanding matters in respect of the Applicant's strategic case, and whether the relevant legal tests, policy and guidance have been addressed. In particular, the ExA will hear and inquire into the following for each application:



	<ul style="list-style-type: none">• Objections from individual affected persons, whether in respect of the original applications and/or the changes;• Application of the Compulsory Acquisition Regulations and consequent effects on the timetable(s) for the examination of either or both applications;• The compulsory acquisition and related provisions as presented within the draft Development Consent Order (DCO);• Whether the statutory conditions relating to the land being required for each proposed development, or required to facilitate or be incidental to each proposed development, are met; and• Whether there is a compelling case in the public interest for the compulsory acquisition provisions following the hearing of individual CA and TP objections.
3.	<p>To hear objections from Affected Persons</p> <p>Statutory Undertakers will be heard at Item 9 of this agenda.</p> <p>The ExAs will hear from any persons whose land and/or rights are affected and who wish to object to either or both applications on the basis that the Applicants have not complied with the relevant legal tests, policy and guidance in respect of their individual interests in relation to:</p> <ul style="list-style-type: none">• compulsory acquisition (CA) of land and/or rights; and/or• temporary possession (TP) of land and/or rights. <p>and then from the Applicants in response.</p>
4.	<p>The Compulsory Acquisition Regulations</p> <p>The ExAs will hear an update from the Applicants on the application and operation of the Compulsory Acquisition Regulations and any consequent effects on the timetable(s) for the examination of either or both applications.</p> <p>The ExAs will hear from any additional Affected Person, that is to say any person affected by the Applications for the Inclusion of Additional Land [REP1-037] submitted at Deadline 1 (2 November 2020) (the 'proposed provisions') and who wishes to object to either or both of the proposed provisions on the</p>



	<p>basis that the Applicants have not complied with the relevant legal tests, policy and guidance in respect of their individual interests in relation to:</p> <ul style="list-style-type: none">• compulsory acquisition (CA) of land and/or rights; and/or• temporary possession (TP) of land and/or rights. <p>The ExAs will hear from any additional Affected Person on matters arising from the Agendas of CAHs1 held on 1 December 2020. Agendas, recordings of hearings and action lists for CAHs1 can be found on the relevant project page of the National Infrastructure Planning Website for East Anglia ONE North and East Anglia TWO.</p> <p>The ExAs will then hear from the Applicants in response.</p>
<p>5.</p>	<p>The compulsory acquisition and related provisions as presented within the draft Development Consent Orders (dDCOs) and Land Plans</p> <p>Reference will be made to the onshore Land Plans [REP1-004], to the tracked versions of the dDCOs [REP5-xxx] and to draft Protective Provisions submitted by other parties.</p> <p>The ExAs will hear from the Applicants and other parties on:</p> <ul style="list-style-type: none">• How each dDCO relates to the other East Anglia dDCO in the various possible consent, construction and operational programme situations, including<ul style="list-style-type: none">▪ the need for a 70m wide cable corridor for each project;▪ works accesses at Aldringham;▪ the need to justify costs to Ofgem as part of the evaluation process;▪ the need or otherwise for falling away provisions[REP4-014];▪ the transfer to National Grid (NG); and▪ whether or not the NG substation is to be treated as a separate NSIP;• How each dDCO will operate in the context of other nearby projects, including other projects with agreements to connect at Friston, and the Sizewell C project, in the various possible consent, construction and operational programme situations;• Whether the DCOs exclude the application of a compensation provision or modify it beyond what is necessary to enable that provision to be applied;• Whether protective provisions are in a satisfactory form and one that is agreed with the relevant parties;



	<ul style="list-style-type: none">• Article 19 (time limit for exercise of compulsory acquisition powers) in view of the recent proposal to amend Requirement 1; and• Any other relevant outstanding matters relating to the articles.
6.	<p>Statutory conditions and general principles</p> <p>The ExAs will hear from affected persons, and the applicants in response, as to</p> <ul style="list-style-type: none">• Whether the purposes for which the compulsory acquisition (CA) powers are sought comply with s122(2) of PA 2008, namely that the land to be acquired compulsorily is required for each proposed development, or is required to facilitate or is incidental to each proposed development;• Whether consideration has been given to all reasonable alternatives to compulsory acquisition (CA) and temporary possession (TP);• Whether the rights to be acquired, including those for temporary possession (TP), are necessary and proportionate; and• Whether, in accordance with s122(3) of PA 2008, there is a compelling case in the public interest for the compulsory acquisition proposed, both in relation to the need in the public interest for the project to be carried out and in respect of the private loss to those affected.
7.	<p>Review of the CA Schedule and related matters</p> <p>Reference will be made to the tracked version of the Schedule of CA and TP Objections [REP4-052]</p> <ul style="list-style-type: none">• The Applicants to summarise outstanding objections and progress on negotiations on alternatives to compulsory acquisition (CA);
8.	<p>Funding</p> <ul style="list-style-type: none">• Reference will be made to the Funding Statement and appendices [REP1-008 to 014]• The Applicants to present briefly the current situation in respect of options currently available including power purchase agreements, Contracts for Difference (CfD), CfD caps and programme, and the expected pipeline bidding for CfD in 2021 and subsequently;



	<ul style="list-style-type: none">• any updates to the Funding Statement, including parent company guarantees and the costs of acquisition of land and rights; and• Guarantee or alternative form of security.
9.	<p>Statutory undertakers</p> <p>Reference will be made to the tracked versions of the Applicants' responses on statutory undertakers ExQ1.3.4 [REP4-054] and to ExQ1.3.5 [REP4-056]. The Applicants to give a brief update on</p> <ul style="list-style-type: none">• The current position in respect of s127 and s138 including representations made and whether there are any remaining which have not been withdrawn; and• Any other relevant outstanding matters.
10.	<p>Human rights and the Public Sector Equality Duty (PSED)</p> <p>To hear from Affected Persons and Interested Parties on</p> <ul style="list-style-type: none">• Article 1 of the First Protocol to the European Convention on Human Rights (ECHR);• Article 6 of the ECHR;• Article 8 of the ECHR;• The degree of importance to be attributed to the existing uses of the land which is to be acquired;• The weighing of any potential loss of ECHR rights against the public benefit if either or both DCOs are made; and• The PSED and consideration of the Public Sector Equality Statement [REP4-013].
11.	<p>Any other business relevant to the Agenda</p> <p>The ExAs may raise any other topics bearing on the Applicants' strategic case for CA and/ or TP as is expedient, having regard to the readiness of the persons present to address such matters.</p> <p>The ExAs may extend an opportunity for participants to raise matters relevant to the topic of these hearings that they consider should be examined by the ExAs.</p>



12.	Procedural decisions, review of actions and next steps The ExAs will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 3 to 11. To the extent that matters arise that are not addressed in any procedural decisions, the ExAs will address how any actions placed on the Applicants, Interested Parties or Other Persons are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in these hearings. A written action list will be published if required.
13.	Closure of the hearings

Guidance about Compulsory Acquisition Hearings

Joining as a speaker

The speakers invited to each session of each hearing are listed on page 1 of this Agenda.

If your name is listed for a hearing, please join the Arrangements Conference for that hearing, at the time specified on page 1 of the Agenda. This enables arrangements to be explained and hearings to make a prompt start.

You will receive instructions on how to join the hearing in a separate email, in advance of the event (at least 48 hours). This email will also explain what to do if you have difficulties getting connected.

Joining as an observer

If you are an Interested Party (IP) and you asked to observe, you will receive:

- a link to a livestream to watch the hearings in real time; or
- a link to the recordings of the hearings after they have concluded.

Members of the public can view and listen to the hearings on the National Infrastructure Planning Website using a livestream or a recording after they have concluded.

Frequently Asked Questions

To help you participate effectively, we have published frequently asked questions (FAQs) on virtual events. This includes an explanation as to why these hearings are being held virtually in light of the Coronavirus public health provisions:

- [Frequently Asked Question 3.0.](#)

These provide information about Microsoft Teams (the system used by the Planning Inspectorate to conduct hearings over the internet) and the digital devices and phones that can be used to join the hearing. Please read the FAQs before you join your hearing as they will help you to prepare and get the best out of your participation. Particular attention is drawn to the FAQ advice 'How do I protect my privacy in Virtual Events' and to Annex H to the Rule 6 Letters, which varies the Planning Inspectorate's National Infrastructure Privacy Policy for virtual events.

Participation, conduct and management of Compulsory Acquisition Hearings

Participation by speakers

Compulsory acquisition hearings are only for those whose land and/ or rights are directly affected. This may include persons not listed in either Book of Reference but who have applied for and been granted Interested Party status under section 102 of the Planning Act 2008.

The Examining Authorities (ExAs) have considered carefully all representations made by Affected Persons and have decided to hold two pairs of Compulsory Acquisition Hearings in each Examination.

These are the first CAHs to be held in these Examinations. They are being held because the ExAs wish to hear individual objections and to question the Applicants further both in respect of such objections and about the strategic case for compulsory acquisition and temporary possession for each of the applications. They are not the place for individual objections to be heard.

Affected Persons may request to be heard at this second, strategic, hearings (CAH2), but only on the basis that the Applicants have not complied with the relevant legal tests, policy and guidance in respect of the Applications in general. Those wishing to be heard at CAH2 should have requested to be heard by Deadline 3, 15 December 2020.

This CAH2 will be held to allow individual objections by Affected Persons relating to individual parcels of land and/or interests in land to be heard. Depending on the numbers of Affected Persons with individual objections requesting to be heard, these hearings may be held as a single session, or as several sessions. The ExAs will ensure that there is enough time set aside for all Affected Persons who notify us that they wish to speak to be heard.

If you are not presently listed in either Book of Reference and have not been granted Interested Party status under section 102 of the Planning Act 2008 but think that your land or rights may be directly affected, you may apply to be included and to speak at a compulsory acquisition hearing.

Participation is subject to the ExAs' power to control the hearings. Hearings will be run so as to ensure that all submissions from those participating are fully heard within the allotted time.

Participants may be legally represented if they wish, but the hearings will be conducted so as to ensure that legal representation is not required. The Applicants and others permitted to speak may attend with relevant expert advisers, but others permitted to speak may participate on an equal basis without expert advice if they wish.

Management of CAHs

Guidance under the Planning Act 2008 (as amended) (PA2008)² and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExAs will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearings will be led by the ExAs.

² 'Planning Act 2008: Guidance for the examination of applications for development consent', (DCLG March 2015).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

Cross-questioning is regulated by the ExAs and is only seldom employed at hearings. Cross questioning of a person giving evidence by another person will only be permitted if the ExAs decide it is necessary to ensure that representations are adequately tested or to ensure that all persons have had a fair chance to put their case.

This agenda may be amended by the ExAs at the start of the hearings. Furthermore, the ExAs may wish to raise matters arising from oral submissions and written representations and to pursue lines of inquiry in the course of the discussions which are not listed on the agenda.

The hearings will run until the ExAs are content that all matters on the agenda have been addressed. To avoid virtual event fatigue, session breaks will be provided after approximately 90 minutes of business, subject to ExA discretion. Additional breaks may be taken during proceedings if required to enable the ExAs to deliberate on any matters arising. CAH2 will close as soon as the ExA has determined that all relevant matters have been discussed.

All participants are advised that any new evidence presented orally at these hearings should be included in post-hearing submissions including written submissions of oral case and submitted at the next relevant deadline for the application to which it relates, in order to ensure that it has been recorded accurately.

Contingencies

If a hearing is unable to proceed for technical reasons, then the ExAs may adjourn incomplete business to reserved hearing time on Tuesday 23 to Friday 26 March 2021 (morning, afternoon or evening). Notice of any adjournments will be provided in the banners on the National Infrastructure Planning Website for each Application. If the hearings proceed without disruption, then these reserved hearings will not proceed.

Relationship between CAHs for East Anglia ONE North and East Anglia TWO

CAH2 for the East Anglia ONE North application is being held at the same time, date and place as CAH2 for the East Anglia TWO application. The two hearings will take place as a single event and a single agenda has been prepared to cover both hearings.

Should the ExAs need to hear evidence relating to only one or other of the applications, this can be managed during the course of proceedings.

More information about how the ExAs are managing the relationship between the application for East Anglia ONE North and the application for East Anglia TWO can be found in our [Frequently Asked Question 3.0](#).