

## **Application by Norfolk Vanguard Limited for an Order Granting Development Consent for the Norfolk Vanguard Offshore Wind Farm Project**

### **Compulsory Acquisition Hearing**

**Date:** 28 March 2019 at 15:00pm

**Location:** Blackfriars Hall, The Halls, St Andrew's Plain, Norwich, NR3 1AU

### **Requested attendees**

The Examining Authority (ExA) would find it helpful if the following parties could attend this hearing:

- a) Norfolk Vanguard Limited (the Applicant)
- b) Norfolk County Council
- c) District Councils
- d) National Farmers' Union (NFU)
- e) Land Interest Group (LIG)
- f) National Grid
- g) Network Rail
- h) National Trust
- i) Any other people with land and/or interests which are or may be affected by the project

### **Timetable**

The hearing will commence at 15:00 on Thursday 28 March 2019. If the agenda has not been completed by around 18:00 the hearing will be adjourned and will resume at 10:00 on Friday 29 March.

### **Purpose of this Compulsory Acquisition Hearing**

1. To consider the compulsory acquisition and related provisions within the Development Consent Order (DCO);
2. To consider whether the conditions relating to the land being required for the proposed development or required to facilitate or be incidental to the proposed development are met; and
3. To consider whether there is a compelling case in the public interest for the compulsory acquisition provisions.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. However, the information set out below is

indicative and the ExA may find it necessary to include additional agenda items or to vary the order in which the items are dealt with.

The documents referred to during the hearing will be the most recent versions. Reference may also be made to:

- the Planning Act (PA) 2008 (as amended);
- the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended);
- DCLG guidance related to procedures for the compulsory acquisition of land (DCLG September 2013);
- DCLG guidance for the examination of applications for development consent (DCLG March 2015); and
- Planning Inspectorate Advice Note 16 on how to request a change which may be material.

## **Agenda**

### **1. Welcome, introductions and arrangements for the hearing**

### **2. Purpose of the hearing**

### **3. DCO Provisions**

- a) The Applicant to set out briefly which articles engage compulsory acquisition and temporary possession powers;
- b) Whether the DCO excludes the application of a compensation provision or modifies it beyond what is necessary to enable that provision to be applied;
- c) To note the current position regarding protective provisions and extent to which they are agreed with the relevant parties;
- d) Any other matters relating to the articles.

### **4. Statutory conditions and general principles**

- a) The Applicant to confirm that in respect of all land for which compulsory acquisition powers are sought the application complies with one or more of the conditions set out in PA 2008 s123;
- b) The Applicant to set out briefly whether the purposes for which the compulsory acquisition powers are sought comply with section 122(2) of the Planning Act 2008;
- c) Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession;
- d) Whether the rights to be acquired, including those for temporary possession are necessary and proportionate; and
- e) Whether, in accordance with PA 2008 s122(3), there is a compelling case in the public interest for the compulsory acquisition, 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.

**5. Review of the CA Schedule and related matters**

- a) The Applicant to summarise outstanding objections and progress with negotiations on alternatives to compulsory acquisition;
- b) Applicant to briefly explain amendments to land rights at National Grid existing substation
- c) Update on further proposed changes (if any) to the Order Limits.

**6. Impacts on farming land and interests**

- a) NFU and LIG – outstanding issues and concerns

**7. Other parties who may be affected by the Project**

- a) Affected Persons who have notified a wish to make oral representations;
- b) Other Affected Persons;
- c) Persons whose land or rights are not to be acquired compulsorily but who may be affected and able to make a relevant claim; and
- d) Any other Interested Parties (Section 102 parties).

**8. Impacts on other land and interests**

- a) Crown Land
- b) National Trust
- b) Any other matters not already covered.

**9. Alternatives and design flexibility**

- a) Footprint of Project substation;
- b) Crossing of Norfolk Vanguard/Boreas.
- c) Number of phases for onshore cable pulling, and offshore works

**10. Funding**

- a) Applicant to set out briefly its approach to funding referring to the Funding Statement and relationship between the Applicant and the Company
- b) To note submission of latest Accounts for Vattenfall Wind Power Limited 2017-2018 and Applicant to highlight material changes (if any) to its funding capabilities
- c) Whether the approach to funding justifiably omits the usual Guarantee or alternative form of security
- d) Potential for claims under Part 1 of the Land Compensation Act 1973

**11. Statutory Undertakers**

- a) The Applicant to set out the current position in respect of representations made and whether there are any remaining which have not been withdrawn;
- b) National Grid;
- c) Network Rail;
- d) The Applicant to set out any other outstanding matters.

## **12. Public open space**

Whether the requirements of PA 2008 s132(3) are met, or failing that the requirements of one of subsections (4) to (5) of s123 are met.

## **13. Human rights and Public Sector Equality Duty (PSED)**

- a) Article 1 of the First Protocol to the European Convention on Human Rights (ECHR);
- b) Article 6 of the ECHR;
- c) Article 8 of the ECHR;
- d) The degree of importance to be attributed to the existing uses of the land which is to be acquired;
- e) The weighing of any potential loss of ECHR rights against the public benefit if the DCO is made;
- f) Public Sector Equality Duty.

## **14. Action points**

## **15. Closing**