



The Planning Inspectorate

Hornsea Project Three Offshore Wind Farm

Agenda for Compulsory Acquisition Hearing

Date: Thursday 31 January 2019
Time: 09:30
Venue: Mercure Norwich Hotel
121-131 Boundary Road
Norwich NR3 2BA

Access and Parking

Free parking is available at the venue.

Timetable

The hearing will commence at 09:30 on Thursday 31 January 2019. If the agenda has not been completed by around 17:00 the hearing will be adjourned and will resume at 09:30 on Friday 1 February.

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.

Attendees

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

- Orsted Hornsea Project Three (UK) Ltd (the Applicant)
- Norfolk County Council
- District Councils
- National Farmers' Union (NFU)
- Land Interest Group (LIG)
- National Grid
- Network Rail
- Any other people with land and/or interests which are or may be affected by the project

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 will 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) Whether protective provisions are in a satisfactory form and one that is agreed with the relevant parties;
- d) Article 6 (application of legislative provisions) – whether to include elements of the approach to temporary possession set out in the Neighbourhood Planning Act 2017;
- e) Article 19 (time limit for compulsory powers) – justification for period of 7 years;
- f) Article 26 (temporary use of land) – whether the draft DCO provides clarity for landowners in a scenario where the project is delivered in phases; and
- g) Any other matters relating to the articles.

4. Statutory conditions and general principles

- a) The Applicant to confirm that the application includes a request for compulsory acquisition in accordance with PA 2008 s123(2);
- 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) The Applicant to update on the choice of cable alignment at Moor Farm;
- c) The Applicant to update on the choice of access at Norwich Road; and
- d) Proposed changes to the Order limits.

6. Impacts on farming land and interests

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 Section 102 parties or Category 3 interests.

8. Impacts on other land and interests

- a) Severed areas and landlocked plots;
- b) Highways England;
- c) Temporary use of land;
- d) Oulton PC proposals for access to main construction compound; and
- e) Any other matters not already covered.

9. Alternatives and design flexibility

- a) Onshore booster station: land requirements and notification;
- b) Choice of HVDC converter/HVAC substation at Mangreen: land and rights associated with each option;
- c) Corridor widths for AC and DC options;
- d) Landfall requirements;
- e) Crossing of North Norfolk railway; and
- f) Crossing of Norfolk Vanguard/Boreas.

10. Funding

- a) To explore the available options including power purchase agreements, Contract for Difference (CfD), CfD caps, project pipeline bidding for CfD in 2019 and 2021;
- b) Any further updates to the Funding Statement; and
- c) Guarantee or alternative form of security.

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; and
- d) The Applicant to set out any other outstanding matters.

12. Crown land

The Applicant to provide an update on discussions with The Crown Estate

13. Public open space

Whether the requirements of PA 2008 s132(3) are met

14. 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) PSED.

15. Next steps

16. Closing