

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Hornsea Project Three 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
	15 January 2019	12 February 2019	24 January 2019
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>Paragraph 1.5 of the Additional Land Application (Document reference REP4-008) states:</p> <p>This submission constitutes an application for non-material amendments to the Application for Hornsea Three as submitted to the Planning Inspectorate in May 2018 (ref: EN010080). It is also a written request for powers of compulsory acquisition in respect of 'additional land' as defined in Regulation 2(1) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the "Compulsory Acquisition Regulations").</p>		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	<p>Paragraph 1.9 of the Additional Land Application (Document reference REP4-008) states:</p> <p>The Applicant has discussed the proposed changes with the affected landowners and occupiers; however, it has not been possible to obtain the written consent of all persons with an interest in the additional land at the point of submission of this document.</p>		

Summary – Regulation 4	The proposed provision is one to which regulations 5 to 19 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;	An updated Book of Reference (Document reference REP4-005) was submitted at Deadline 4 of the examination. This was in the form of a track change version rather than a supplement.
(b) be accompanied by— (i) 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>Updated Land Plans (Document reference REP4-102 and REP4-104) were submitted at Deadline 4. These do not show the additional land separately but a proposed Minor Amendments Comparison Plan was also submitted at Deadline 4. This meets the intention of the Regulations.</p> <p>An updated Statement of Reasons (Document reference REP4-009) was submitted with the additional land application. This includes reasons for including the additional land at paragraphs 5.3.1.3 and 6.3.3.8.</p> <p>An updated Funding Statement has not been received however paragraph 4.6 of the additional land application (Document reference) states that 'the Funding Statement (REP1-229) sets out how the compulsory acquisition of land will be funded and the same mechanisms for funding will apply to the compulsory acquisition of the additional land. Given the small area of additional land relative to the total land required for the project that is considered to be a reasonable approach.</p>
Summary – Regulation 5	The updated Book of Reference is in track change form rather than a supplement. However this is sufficient to explain the effect of the proposed changes.

Case Leader

Signed

Date:

Lead member of the
Examining Authority

David Prentis

David Prentis

Signed

Date:

24 January 2019
