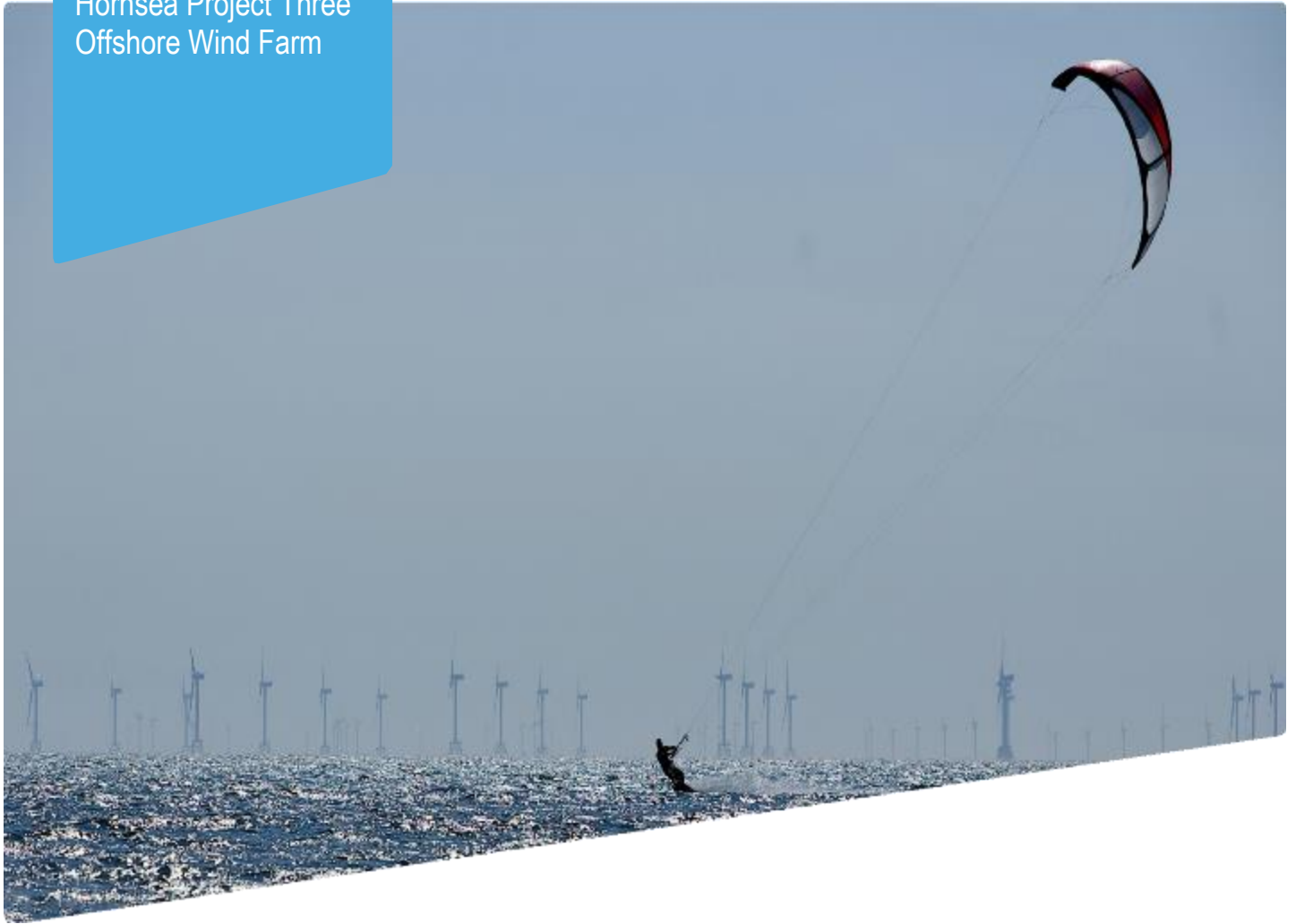


Hornsea Project Three
Offshore Wind Farm



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Written summary of Applicant's oral case put at Compulsory
Acquisition Hearing 2 (26th March 2019)

Date: 1st April 2019

Hornsea 3
Offshore Wind Farm

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1. **INTRODUCTORY REMARKS**

- 1.1 The Compulsory Acquisition Hearing ("CAH") relating to additional land was held at 12:00pm on 26 March 2019 at the Mercure Norwich Hotel, 121-131 Boundary Road, Norwich, NR3 2BA.
- 1.2 The CAH took the form of running through items listed in the agenda published by the Examining Authority (ExA) on 15 March 2019 (the "Agenda"). The format of this note follows that of the Agenda and refers to the Applicant's Response to the first written questions ("FWQ") (the "Response to First Written Questions") [REP1-122] numbers where relevant. The Applicant's substantive oral submissions commenced at item 3 of the Agenda, therefore this note does not cover items 1 and 2 which were procedural and administrative in nature.

2. **AGENDA ITEM 1 – INTRODUCTION OF THE PARTICIPATING PARTIES**

- 2.1 The ExA: - David Prentis (Lead Panel Member), Guy Rigby, David Cliff and Dr Roger Catchpole.
- 2.2 The Applicant:
- 2.2.1 Speaking on behalf of the Applicant: - Claire Brodrick (Pinsent Masons LLP) and
- 2.2.2 Present from the Applicant: - Richard Grist (Senior Land and Property Manager).
- 2.2.3 The Applicant's legal advisor:-. Peter Cole (Pinsent Masons LLP)

3. **AGENDA ITEM 3 – STATUTORY CONDITIONS**

- 3.1 **a) The Applicant to confirm that the statutory conditions for the exercise of compulsory powers in respect of the additional land are met**
- 3.2 Claire Brodrick answered an ExA question explaining that the application for additional land related to two separate sections of the onshore cable route. The first change related to land belonging to the John Innes Centre. Following discussions with the landowner concerning the possible effect of the cable corridor works on scientific studies in a field to the north east of the cable route, the route has been amended to avoid the corner of this field. Consequential amendments have also been made to the cable route to the north of the John Innes Centre. Ms Brodrick confirmed that the revision kept the route on land owned by the John Innes Centre, so there would be no additional affected persons, and that all affected landowners and tenants had given their consent to the additional land application.
- 3.3 Ms Brodrick stated that the statutory tests under sections 122(2) and 122(3) of the Planning Act 2008 (PA 2008) were met, as the additional land is required for the development or is required to facilitate or is incidental to the development, the rights being sought are no more than is required and are necessary and proportionate, and reasonable alternatives had been considered (which is how this revision has come about). She confirmed that voluntary agreements were under discussion with the landowners and that the updated Statement of Reasons submitted for Deadline 9 would set out the current status of negotiations. The Applicant considers that there is compelling case in the public interest for the rights to be granted over the additional land and this is set out in paragraphs 7.6 and section 8 of the Statement of Reasons.
- 3.4 Ms Brodrick confirmed that the second amendment application related to a minor widening of a road access for the proposed onshore HVAC booster station. She confirmed that following discussion with Norfolk County Council, additional land was required for a visibility splay as well as space for the transportation of transformers to site. Ms Brodrick stated that the application sets out that a small amount of additional land would be needed. She confirmed that landowner consent had been obtained for the additional land application as well as consent from the occupiers affected. Ms Brodrick outlined that the s122(2) and s122(3) tests were also satisfied in relation to this amendment application for the reasons previously given.

3.5 **b) The Applicant to confirm that the requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 have been met in respect of the additional land**

3.6 Ms Brodrick confirmed that section 4 of the additional land application sets out how the application complies with the 2010 Regulations. She advised that certificates had been submitted in accordance with regulation 9 confirming compliance with regulations 7 and 8 of the 2010 Regulations.

4. **AGENDA ITEM 4 – ORAL REPRESENTATIONS**

4.1 **a) The ExA will invite any affected persons and/or interested parties to make oral representations on the compulsory acquisition of the additional land.**

4.2 No such parties were present.

4.3 **b) The ExA will invite any additional affected persons to make oral representations on matters relating to the proposed compulsory acquisition of land and rights.**

4.4 No such parties were present.

5. **AGENDA ITEM 5 – NEXT STEPS**

5.1 Ms Brodrick updated the ExA that the Crown Estate s.135 consent was due imminently, as they had all the relevant documents. She stated that s.135 consent was awaited from the Ministry of Defence, but the Applicant had been experiencing difficulty in finding the correct person to review the request. Ms Brodrick stated that it was therefore possible that the consent from the Ministry of Defence would not be provided prior to the end of the examination, in which case, it could hopefully be provided to the Secretary of State during the determination period.

5.2 Ms Brodrick advised the ExA that the statement of commonality would be updated for Deadline 9, to reflect that National Grid Gas, Cadent Gas and Eastern Power Networks had all withdrawn their objections, with National Grid Electricity expected to complete prior to the end of the Examination. She stated that agreement had not yet been reached with Network Rail, but that discussions were ongoing. Ms Brodrick stated that it was possible that agreement with Network Rail would not be reached prior to the end of the examination. Ms Brodrick confirmed that the Applicant would submit an updated Statement of Reasons which will include an updated status on all landowners at Deadline 9 and confirm its final position in respect of Network Rail and the necessary tests under section 127 of the PA 2008 at Deadline 10.

5.3 Responding to an ExA question, Ms Brodrick advised that the Book of Reference, Statement of Reasons and land plans would be updated to reflect the options removed for Moor Farm and Norwich Road and submitted for Deadline 9. In respect of Norwich Road, she confirmed that surveys had now been undertaken and that the landowner's preferred option had been adopted, being the western, shorter route.