

**Thanet Extension Offshore Wind Farm  
Agenda for the Compulsory Acquisition Hearing 1 (CAH1)**

<b>Date:</b>	<b>Thursday 21 February 2019</b>
<b>Time:</b>	10.00am Hearing room opens from 9.30am
<b>Venue:</b>	Building 500 <sup>1</sup> , Discovery Park Ramsgate Road, Sandwich, CT13 9FF
<b>Access and Parking:</b>	<b>For pedestrian and vehicular access</b> , parking arrangements and the reception location, please use the <a href="#">attached map</a> . <b>Car park</b> shown on the attached map. <b>Public transport</b> <b>Bus</b> Discovery Park, Ramsgate Road Stagecoach routes 43 and 44 5 minute walk to venue <b>Train</b> Ramsgate or Sandwich Stations Taxi to venue

**Purpose of Compulsory Acquisition Hearing 1 (CAH1)**

CAH1 is being held for the following purposes:

- to enable the ExA to inquire into the Applicant's case to Compulsorily Acquire (CA) land or rights over land and/ or to take Temporary Possession (TP) of land;
- to enable the ExA to consider whether relevant legal and policy test applicable to CA and TP proposals have been met;
- to review the current condition of arrangements for a Crown lease and Crown consent.

A second Compulsory Acquisition Hearing (CAH2) will be held on 17 April 2019 for the following purpose:

- to discharge the ExA's duty to hear persons affected by CA and TP proposals (Affected Persons, or APs) who request to be heard; and
- to hear objections from statutory undertakers and other statutorily protected persons.

**Participation, conduct and management of hearing**

This is the first of two CAHs proposed to be held in this Examination. Its primary focus will be on the strategic case for CA and TP advanced by the Applicant and

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<sup>1</sup> Building 500 is adjacent to and in the same building complex as Discovery House.

to consider whether relevant policy tests applicable to CA and TP have been met in the round.

Provision has been made for a second CAH (CAH2) to be held in on 17 April 2019. CAH2 will be the place where any individual objections from APs to CA and or TP proposals in respect of site-specific land or rights will be heard. CAH2 will not re-examine the Applicant's strategic CA and TP case. Any AP with strategic or general objections to the Applicant's CA and or TP proposals in the round and who wishes to be heard on them should attend this hearing. Individual cases relating to site-specific land or rights should be reserved for CAH2.

The Applicant and any APs with outstanding strategic (as opposed to site-specific objections) to CA and or TP proposals are entitled to be heard at CAH1.

The business of a CAH is limited to the effects of CA and TP and to participation by the Applicant and APs. Oral submissions on other subject matters or from persons who are not APs will not be heard. Any such issues must be brought to another hearing: either an Issue Specific Hearing (ISH) where the issue sought to be raised is relevant to the purpose of and agenda for the hearing, or to the Open Floor Hearing (OFH) where APs may raise any relevant and important matter.

Participation is subject to the ExA's power to control the hearing.

#### *Invited Participants*

The Applicant and APs who wish to make oral representations are invited to attend at the appointed start time of 10-00.

#### *The Applicant*

The ExA requests that the Applicant attends this hearing. The Applicant will be asked present its own case for CA and TP. It may be asked by or through the ExA to address questions raised by APs and will be provided with an opportunity to respond to APs written and oral cases.

#### *The Crown*

The ExA requests that the Crown Estate attends this hearing as there are questions about the nature of the proposed Crown lease and Crown consent that the ExA wishes to explore.

#### *CA and / or TP Objectors*

Individual AP Objectors have not been invited to CAH1 by name. Any AP who wishes to raise general or strategic points about the Applicant's CA and/ or TP case may request to be heard by 12 February 2019 but should note that oral submissions will be limited to general and strategic matters. Detailed site-specific oral submissions will be heard at CAH2 on 17 April 2019.

### *Statutory Undertakers' and Other Relevant Bodies' Interests*

The Planning Act 2008 (as amended) PA2008 provides rights and protections for Statutory Undertakers land and apparatus and for certain other bodies' land. The Applicant has addressed these matters in its response to ExQ1.3., but the ExA will wish to review these responses. Detailed site and operationally specific oral submissions from statutory undertakers and persons benefitting from special statutory protection will be heard at CAH2 on 17 April 2019.

### *Protective Provisions*

Persons objecting to, benefiting from and/ or seeking to amend protective provisions in the draft Development Consent Order (dDCO) will be heard at ISH7 (the DCO) commencing at 12.10pm on 21 February 2019 (Agenda **Annex E**).

### *Hearing Guidance*

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and APs may attend with expert advisers relevant to land and rights matters (including solicitors, chartered surveyors and land agents), but APs may participate without expert advice if they wish.

Guidance under the Planning Act 2008 (PA 2008)<sup>2</sup> and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions relevant representations and written representations and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

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<sup>2</sup> '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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

## Agenda

### 1. Welcome, introductions and arrangements for this Compulsory Acquisition Hearing (CAH1)

### 2. The Applicant's case for CA and TP

The ExA will ask the Applicant to present and justify its case for CA and TP and will wish to address the following matters:

- a) to review the statutory and policy tests relevant to CA and/ or TP under the Planning Act 2008 (as amended) (PA2008) and DCLG Guidance<sup>3</sup>;
- b) to review human rights considerations;
- c) to consider the structure and content of the Book of Reference;
- d) to consider the structure and content of the Funding Statement;
- e) to consider the structure and content of the Statement of Reasons;
- f) to consider impending legislative changes.

The ExA will invite submissions from APs who wish to raise matters of general application in relation to these items, but site-specific submissions will be reserved to agenda items 3 and 4.

The Applicant will be provided with a right of reply.

### 3. Crown Lease and Consent Issues

The ExA will ask the Applicant and the Crown Estate to explain:

- a) the current status of the Crown lease for the sea area in which the extension is proposed to be constructed;
- b) the relationship between the lease and the proposed maximum installed capacity of the proposed development; and
- c) the current status of Crown consent.

### 4. Review of issues and actions arising

The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in this hearing.

### 5. Next steps

### 6. Closure of the hearing

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<sup>3</sup> 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG 2013) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236454/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)