

Thanet Offshore Wind Farm Extension Agenda for the Compulsory Acquisition Hearing 2 (CAH2)

Date:	Thursday 18 April 2019
Time:	10.00am Hearing room opens from 9.30am
Venue:	Building 500 ¹ , Discovery Park Ramsgate Road, Sandwich, CT13 9FF
Access and Parking:	For pedestrian and vehicular access , parking arrangements and the reception location, please use the attached map . Car park shown on the attached map. Public transport Bus Discovery Park, Ramsgate Road Stagecoach routes 43 and 44 5 minute walk to venue Train Ramsgate or Sandwich Stations Taxi to venue

Purpose of Compulsory Acquisition Hearing 2 (CAH2)

The first CAH was held on 21 February 2019 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.

This second Compulsory Acquisition Hearing (CAH2) will be held on 18 April 2019 for the following purposes:

- 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

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

This is the second of two CAHs proposed to be held in this Examination. Its primary focus will be on 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 that was examined at CAH1 in February.

The business of a CAH is limited to the effects of CA, TP and related questions bearing access to and rights over land. It is limited 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: an appropriate time in an Issue Specific Hearing (ISH) where the issue sought to be raised is relevant to the purpose of and agenda for the hearing and where the ExA may, at its discretion invite an IP to be heard.

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 10.00am.

The Applicant

The ExA requests that the Applicant attends this hearing. The Applicant will be asked to present its own response to matters raised by APs objecting to CA, TP and land-related elements of the application proposal. 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.

CA and / or TP Objectors

Statutory Undertakers' and Other Relevant Bodies' Interests

In response to the ExA's ExQ1.3.6 the Applicant has maintained a monitoring system identifying all those persons of which it is aware with outstanding objections. The latest report available to the ExA identifies the following persons as having live objections [[REP4-013](#)], representatives of which are invited to attend:

- RAMAC Holdings Ltd [RR-056] (Objection 1)
- NEMO Link Ltd [RR-010] (Objection 2)
- National Grid Electricity Transmission plc (NGET) [RR-027] (Objection 3)
- UK Power Networks [RR0-12] (Objection 4)
- The National Trust for Places of Historic Interest and Natural Beauty (NT) [RR-059] (Objection 5)
- Crostline Ltd [RR-056] (Objection 6)

Individual AP Objectors do not have to be invited to CAH2 by name. If you are an AP who objects to aspects of the CA, TP or land-related powers sought by the Applicant, you may request to be heard and may make site-specific oral submissions.

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 responses to ExQ1.3.7 and 8 [REP4-016] [REP4-017], 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 can be heard at CAH2 and the ExA will question the Applicant about these even where there is no outstanding objection, additionally referring to effects on:

- Thanet OFTO;
- Southern Water Ltd;
- British Telecom; and
- Scotia Gas Networks.

If you are a statutory undertaker or beneficiary of other special land-related powers under PA2008, you may also request to be heard in relation to the effects of the powers sought by the applicant on your undertaking, apparatus, land and rights.

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 ISH9 (the DCO) commencing at 2.00pm on Thursday 18 April 2019 (Agenda **Annex C**).

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)² 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.

² '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

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

Agenda

1. Welcome, introductions and arrangements for this Compulsory Acquisition Hearing (CAH2)

2. Objections to CA and TP

The ExA will ask APs objecting to CA, TP and/ or land related powers to speak to their objections.

The ExA will then seek a response from the Applicant addressing:

- a) applicable statutory and policy tests relevant to CA and/ or TP under the Planning Act 2008 (as amended) (PA2008) and DCLG Guidance³;
- b) human rights considerations as relevant; and
- c) any other important and relevant considerations bearing on the objection heard.

The objectors will be provided with a right of reply.

3. Statutory Undertaker and other Special Provisions objections

The ExA will ask APs objecting in respect to the effect of the Applicant's proposals on them as a statutory undertaker or other beneficiary of special protections under Part 7 Chapter 1 of the Planning Act 2008 (as amended) (PA2008) to speak to their objections.

The ExA will then seek a response from the Applicant addressing:

- a) applicable statutory and policy tests relevant to CA and/ or TP under PA2008 and DCLG Guidance;
- b) human rights considerations as relevant; and
- c) any other important and relevant considerations bearing on the objection heard.

Where APs attending are both objectors and statutory undertakers benefitting from protections under PA2008, the ExA will take agenda items 2 and 3 together.

4. Review of individual sites with no objections

³ '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

The ExA may have questions to the Applicant relating to individual sites subject to CA and/ or TP where there are no outstanding objections

5. Monitoring of negotiations and progress

The ExA will wish to check the Applicant's progress on negotiations relating to individual sites, since Deadline 4.

6. 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.

7. Next steps

8. Closure of the hearing