

**Application by Norfolk Boreas Limited for an Order Granting
Development Consent for the Norfolk Boreas Offshore Windfarm Project**

Compulsory Acquisition Hearing

Date: 18 March 2020 at 10:00am

Location: The Kings Centre, 63-75 King Street,
Norwich

Requested Attendees

The following parties are invited to attend:

- Norfolk Boreas Ltd (the Applicant)
- Chris Allhusen
- NFU / Land Interest Group
- Those Affected Persons wishing to make oral representations to the ExA
- This does not indicate that other Interested Parties would not be able to contribute to the matters set out in the agenda. Any such contributions will be subject to the ExA's discretion.

Coronavirus (COVID-19)

Please check the National Infrastructure project page regularly for updated advice on Coronavirus / COVID-19 and participation in hearings:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolkboreas/>

Purpose of the Compulsory Acquisition Hearing.

The purpose of the hearing is to:

- Consider the Applicant's case for compulsory acquisition and related provisions (including temporary possession) within the Development Consent Order;
- Understand the issues for different parties, especially in relation to the Human Rights Act tests of the Articles;
- Consider whether the conditions relating to the purpose for which compulsory acquisition may be authorised, would be met.



Agenda

1. Welcome, introductions and arrangements for the hearing

2. The request for Compulsory Acquisition Powers and for Temporary Possession

The Applicant will be asked to present a summary of its case for Compulsory Acquisition as well as Temporary Possession (referring to relevant references in the Examination Library) and is requested to address the following matters:

- a) Whether the purposes for which the compulsory acquisition powers are sought comply with statutory and policy tests under s122 of PA 2008 and DCLG Guidance related to procedures for the compulsory acquisition of land;
- b) Whether and how Article 1 and Article 8 of the First Protocol to the European Convention on Human Rights has been considered; and
- c) Having regard to section 122(3) of the PA 2008, whether there is a compelling case in the public interest for the compulsory acquisition in relation to:
 - i. The need in the public interest for the project to be carried out.
 - ii. The private loss to those affected by compulsory acquisition.

3. Site specific representations

- a) Review of the Compulsory Acquisition Objections Schedule [REP2-031] including the Applicant's conclusions in its advice on the status of Affected Persons identified in the Schedule. Affected persons (or their representatives) will be invited to comment.
- b) Affected persons (or their representatives) will be invited to make oral submissions to the ExA setting out the detail of their objection with reference to specific plans and plot numbers.

4. Crown Land

Update of progress in securing written consent under s135(2) from the Crown Estate for inclusion of the Crown plots in the dDCO [REP5-Q2.3.0.9].



5. Statutory Undertakers' Land

The Applicant has submitted a number of applications for certificates under s127 of PA 2008. These applications are in respect of: electricity, gas, water and sewerage undertakers.

Review of:

- a) the Applicant's case in relation to applications for s127 certificates;
- b) review of progress in reaching agreement with the Statutory Undertakers identified in the Compulsory Acquisition Objections Schedule;
- c) whether protective provisions are in a satisfactory form that is agreed with relevant parties and if not, what steps are required to avoid serious detriment to the carrying on of their undertakings;
- d) Confirmation of position of Highways England in relation to property agreements as per Question 2.3.0.12 [REP6-Applicant's Comments on Responses to the ExA's Further Written Questions].

6. National Trust Land

The Applicant will be asked to present a summary of its case in relation to s130 – National Trust land.

7. Special Category Land - Open Spaces

The Applicant will be asked to present a summary of its case in relation to s132 – Open Space.

8. Funding

The Applicant will be asked to address the following matters:

- a) Progress with securing final, signed copies of the Funding Agreement between the Applicant, (Norfolk Boreas Limited), the Company (Vattenfall Wind Power Limited) and the Parent Company (Vattenfall AB) and submitting these into the Examination.
- b) Confirmation that the funding agreement cover the costs of implementing the project and the funding required for Compulsory Acquisition and temporary possession; and
- c) The security of funding in the event that any or all of the benefit of the Order is transferred to another person (Article 6).



9. Draft Development Consent Order provisions

- a) Further justification in relation to Article 24 and the explanation provided at Q2.3.0.21 in relation to airspace and subsoil.
- b) Response to NFU concerns in relation to access for surveying (Article 16) and temporary possession notifications (Article 26) [REP5-074, para 2.6 and 2.7] if not considered earlier in agenda.

10. Next steps

11. Close of Compulsory Acquisition Hearing