



Planning Act 2008- Section 92

Application by Ørsted Hornsea Project Four Limited for an Order granting Development Consent for the Hornsea Project Four Offshore Wind Farm

Agenda for Compulsory Acquisition Hearing

Date:	Wednesday 13 April 2022
Joining available from:	9:30am ¹
Meeting start time:	10:00am ²
Location:	Virtual event via Microsoft Teams
Hearings Guidance:	Please see Annex A of the Agenda

All Affected Persons are invited to attend the Compulsory Acquisition Hearing. In order to receive the joining instructions to participate in this virtual Hearing can you please complete and submit the following [form](#). Alternatively, you can contact the Inspectorate's Case Team for further information about the event (HornseaProjectFour@planninginspectorate.gov.uk). If you wish to observe the Hearing then you do not need to register. A link to the livestream will be made available on the project page of the National Infrastructure Website closer to the event.

Each Affected Person is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The virtual event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at

¹ Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

² If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Please Note:

In order to ensure timely publication of the agenda, this has been drafted before the receipt of submissions for Deadline 2 which includes the responses to the ExA's first written questions. As a consequence, the ExA may need to adjust the agenda at the meeting to allow for responses received at this deadline.

Agenda

The main purpose of the compulsory acquisition hearing is;

- To consider the compulsory acquisition and related provisions within the draft Development Consent Order (DCO);
- To consider whether the conditions relating to the purpose for which compulsory acquisition may be authorised would be met;
- To discharge the ExA's duty to hear persons affected by Compulsory Acquisition (CA) and Temporary Possession (TP) proposals (Affected Persons) who request to be heard; and
- To address related matters.

Please note that Protective Provisions will be discussed at the Issue Specific Hearing (ISH1) on the draft DCO which will take place on Tuesday 12 April 2022; see the project page of the National Infrastructure Website for further details.



The Planning
Inspectorate

Agenda

Title of meeting	Hornsea Project four Offshore Wind Farm Compulsory Acquisition Hearing
Date	Wednesday 13 April 2022
Time	10.00am
Venue	Online via Microsoft Teams invitation
Attendees	Invitees

1. Welcome, introductions, arrangements for the hearing

2. Section 122 and 123 of the Planning Act 2008 (PA2008)

- i. The Applicant to briefly outline the case for CA and TP and whether it meets the tests of the PA2008 including whether all reasonable alternatives have been considered; whether the rights to be acquired are reasonably necessary and proportionate and there is a compelling case in the public interest for the land to be acquired;
- ii. The Applicant to provide a brief update on the progress of negotiations and deadlines for their conclusions; and
- iii. Affected Persons to briefly set out any outstanding concerns that have not already been discussed.

3. Section 135 of the PA2008 – Crown land

- i. Whether all Crown land has been identified in Part 4 of the Book of Reference (BoR) and on the Crown land plans given that all plots which the Crown has an interest in should be identified.
- ii. Whether the draft DCO would effectively prevent CA of any interest held by or on behalf of the Crown with particular reference to Article 43.

4. Sections 131 and 132 of the PA2008

The Applicant to set out the case for CA and TP with regards to sections 131 and 132 (Commons, Open Space or Fuel or Field Allotments).

5. Temporary Possession or Compulsory Acquisition

The Applicant to set out the criteria that it used in determining whether to seek the use of TP rather than CA of land and rights.

6. Securing of HRA compensation measures that have been advanced on a without prejudice basis

Examination of whether any of the HRA compensation measures that have been advanced on a without prejudice basis would require the CA or TP of land.

7. Funding

Applicant to provide any further updates to the funding statement and confirm assessment of risks to whether adequate funding is likely to be available to enable the CA to proceed within the statutory period following (and in the event of) the draft DCO being made.

8. Action Points arising from Compulsory Acquisition Hearing

9. Any other business

10. Close of Hearing

Attendees

All Affected Parties are welcome to attend the hearing. However, the following parties are invited to attend because the ExA considers that the material they have submitted raises issues that the ExA may wish to explore at the hearing:

- The Applicant;
- Affected Persons including but not limited to Mr CW and Mrs CF Foreman [RR-005], Mr and Mrs P S Goatley [RR-023], the Hotham Family Trust [RR-034], Mrs Jane Taylor [RR-017] and Mr Malcolm Taylor [RR-019];
- The Crown Estate;
- East Riding of Yorkshire Council (ERYC) in its role as the Local Planning Authority;
- ERYC in its role as the Highways Authority in relation to the concerns it raised re Jocks Lodge [RR-008];
- The Environment Agency in relation to the concerns it raised in relation to Watton Beck [RR-010]; and
- Network Rail in relation to concerns it raised in relation to Plot 176 [RR-001].

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA that will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore 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. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for one to two hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda in the course of the discussion.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website³ and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by Deadline 3, 21 April 2022.

³ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-project-four-offshore-wind-farm>