



HEARING AGENDA

Application by Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project

Compulsory Acquisition Hearing1

Date	Wednesday 29 March 2023	
	Hearing Start Time:	10:00 am
Timings	Arrangements Conference for virtual attendance online:	09:00 am
	Seating for in-person hearing available at the venue from:	09:00 am
Location	Fishmongers Recital Hall, Gresham School, Cromer Road, Holt NR25 6EA	
	Microsoft Teams for virtual attendance online	

REQUESTED ATTENDEES

1. Applicant
2. Affected Persons wishing to make an oral representation
3. Statutory Undertakers wishing to make an oral representation, including Orsted Hornsea Power Three Limited, Frontier Power Limited, National Grid Electricity Transmission and National Highways
4. National Farmers Union
5. National Trust

The Examining Authority welcomes involvement from any other persons or their representative whose land and/or rights are affected and who wish to make a representation in respect of the application at the Compulsory Acquisition Hearing. You were required to confirm attendance and your intention to participate at Compulsory Acquisition Hearing by Deadline 1, Monday 20 February 2023.

Purpose of Compulsory Acquisition Hearing (CAH1)

The purpose of Compulsory Acquisition Hearing (CAH1) is to examine:

1. Applicant's strategic case for Compulsory Acquisition and Temporary Possession, including regard given to Human Rights and Equality Act;
2. Robustness of the Compulsory Acquisition and Temporary Possession related material in Examination so far;



3. Updates on Special Land, including National Trust Land, Open Spaces and Crown Land;
4. Update on negotiations with affected persons;
5. Update on negotiations with Statutory Undertakers;
6. Applicant's intended change request; and
7. draft Development Consent Order.

DOCUMENTS

The Examining Authority referred to several documents in the preparation of this agenda, and some of the documents that we will be referring to during the Hearing are listed here. These documents can be located using the Examination Library reference number in [] square brackets:

1. Land Plans Revision C [REP2-003]
2. Crown Land Plans Revision B [AS-003]
3. Special Category Land Plan Revision B [AS-004]
4. Book of Reference Revision C [REP2-015]
5. Statement of Reasons Revision B [REP2-018]
6. Funding Statement [APP-027]
7. Appendix 5 Derogation Funding Statement [APP-076]
8. Compulsory Acquisition Schedule [REP1-040]
9. The Applicant's Statutory Undertakers Position Statement [REP1-053]
10. Open Space Agreements Updates [REP1-054]
11. Draft Statement of Common Ground with National Trust [REP2-046]
12. Draft Development Consent Order Revision D [REP2-008]
13. Explanatory Memorandum Revision D [REP2-013]

HEARING FORMAT

The Hearing will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform and, if you have registered to join using this format, the joining link for the virtual Compulsory Acquisition Hearing will be sent to parties the day before, or on the day of, each session. Observers may attend in person or can watch remotely via the livestream of the event, the link for which will be published on the project page of the National Infrastructure website on the day of the Hearing. The Examining Authority will not accept representations at the Hearing in the form of video or audio recordings.

The virtual event will be open 60 minutes prior to the start of the Hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority 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 Examining Authority 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 a hearing does not preclude further examination of this issue, including the asking of further written questions.

AGENDA

The Hearing will start promptly at the indicated time of 10:00 am. All other times in the agenda are indicative. The Examining Authority will close the Hearing at 05:30 pm, or sooner if all relevant matters have been covered.

09:00 am Seating available for in-person attendance

1. Registration by the Case Team

09:00 am Arrangements Conference for virtual attendance

2. Registration by the Case Team

10:00 am Compulsory Acquisition Hearing 1 (session 1)

- 1. Welcome by Lead Member of the Examining Authority**
- 2. Procedure for running the Compulsory Acquisition Hearing**
- 3. Applicant's strategic case for Compulsory Acquisition and Temporary Possession**
 - i. Purposes for which the Compulsory Acquisition and Temporary Possession powers are sought, in line with s122(2) of the Planning Act 2008;
 - ii. Consideration given to all reasonable alternatives to Compulsory Acquisition and Temporary Possession;
 - iii. Summary of reasons why the Compulsory Acquisition and Temporary Possession rights to be acquired, are necessary and proportionate;
 - iv. Having regard to section 122(3) of the Planning Act 2008, whether there is a compelling case in the public interest for the Compulsory Acquisition in relation to:
 - a. the need in the public interest for the project to be carried out; and



- b. the private loss to those affected by compulsory acquisition.

4. Human Rights

- i. Regard given to Articles 8 and 6 of the European Convention on Human Rights and Article 1 of the First Protocol, highlighting any specific cases where interference of Human Rights needs to be brought to Examining Authority's attention
- ii. The weighing of any potential infringement of European Convention on Human Rights against the potential public benefits if the Order is made

5. Equality Act

- i. Regard given to s4 – s12 and s20 of the Equality Act 2010, highlighting any specific cases where the Applicant has made reasonable adjustments in line with s20 of the Equality Act 2010

6. Funding Statement

- i. Any updates to the Funding Statement
- ii. Surety and adequacy of funding to enable the Compulsory Acquisition to proceed within the statutory period following, and in the event of the Order being made

11:30 am

Break

11:45 am

Compulsory Acquisition Hearing 1 (session 2)

7. Related material in Examination

- i. Check and confirm if all the plots listed in Statutory Undertaker Negotiations document, Open Space Agreement document, plots for Crown consent and Compulsory Acquisition schedule document cover all plots included in the Book of reference and plots for which Compulsory Acquisition and Temporary Possession is sought
- ii. Check and confirm if there are any duplicate plot number in the Statutory Undertaker Negotiations document, Open Space Agreement document, plots for Crown consent and CA schedule document, when compared with the BoR; identify those instances and provide reasons
- iii. If the Applicant has identified any bona vacantia plots within the Order limits and how it is intended to proceed with the acquisition of these plots
- iv. Explore the benefit of providing titles and summaries of categories of new rights in Table 1 of the Book of Reference to improve legibility, including cross-referencing with Table 11-1 of



the Statement of Reasons; example of how this might work and be achieved

- v. Effectively using the Status of Statutory Undertakers Negotiations table to provide updates during the Examination, including progress timescales in relation to the Examination, highlighting the key areas of disagreement (if any), and status key on likelihood of reaching agreement before close of Examination

8. Update on National Trust Land

- i. Progress on the objections raised by National Trust, still outstanding
- ii. Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable)
- iii. Likelihood and implications of agreement not reached before the close of the Examination

9. Update on negotiations relating to Open Spaces

- i. Applicant's case in line with s131 and s132 of the Planning Act 2008
- ii. Update on negotiations, including if any replacement land is part of negotiations
- iii. Highlight any objections, if any, that are outstanding
- iv. Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable)
- v. Likelihood and implications of agreement not reached before the close of the Examination
- vi. Effectively using the Open Space Agreement Updates table to provide updates during the Examination, including progress timescales in relation to the Examination, highlighting the key areas of disagreement (if any), and status key on likelihood of reaching agreement before close of Examination

01:15 pm

Lunch Break

02:15 pm

Compulsory Acquisition Hearing 1 (session 3)

10. Consent for the inclusion of the Crown land

- i. Update on getting consent for the inclusion of the Crown land
- ii. Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable)
- iii. Likelihood and implications of agreement not reached before the close of the Examination

11. Affected Persons' site-specific Representations

The Examining Authority will give an opportunity to Affected Persons listed here and any others, to make an oral representation in



addition to any submissions that are already in Examination. **It is not essential to make an oral representation if you feel that the matters that you wish to raise have been covered in your submission(s) so far.**

Whether or not an oral representation at Compulsory Acquisition Hearing 1 is made, you can continue to provide written submissions at relevant Deadlines and oral representations at subsequent Hearings (if they are held). The Examining Authority will invite the Applicant to respond to each representation individually in this agenda item, in addition to the general update in Agenda item 12.

- i. Affected Persons represented by Bidwells
- ii. Affected Persons represented by Savills
- iii. Affected Persons represented by Brown & Co
- iv. National farmers Union and Land Interest Group
- v. Norfolk Parishes Movement for an Offshore Transmission Network
- vi. Any other Affected Persons (allowed at the discretion of the Examining Authority)

12. Applicant's update on the Compulsory Acquisition Schedule

- i. Progress on negotiations, highlighting outstanding objections
- ii. Effectively using the Compulsory Acquisition Schedule to provide updates during the Examination, including input from Affected Persons

13. Representations from Statutory Undertakers

The Examining Authority will give an opportunity to Statutory Undertakers should any present wish to make an oral representation in addition to any submissions that are already in Examination. **It is not essential to make an oral representation if you feel that the matters that you wish to raise have been covered in your submission(s) so far.**

Whether or not an oral representation at Compulsory Acquisition Hearing 1 is made, you can continue to provide written submissions at relevant Deadlines and oral representations at subsequent Hearings (if they are held). The Examining Authority will invite the Applicant to respond to each representation individually in this agenda item, in addition to the update in Agenda item 14.



14. Applicant's update on negotiations with Statutory Undertakers

The Examining Authority is seeking an update from the Applicant on negotiations with statutory bodies including:

- i. detailed responses to specific matters raised by statutory bodies;
- ii. highlight areas of disagreement and a timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable); and
- iii. outline the likelihood and implications of not reaching and agreement before the close of the Examination.

Alongside the wider update on all statutory bodies, the ExA seeks specific updates on negotiations with the following parties:

- i. Orsted Hornsea Power Three Limited, in particular details relating to the interfaces during construction of the Proposed Development and Compulsory Acquisition of plots
- ii. Frontier Power Limited, in particular relating to the nature of crossing agreement to offer protection for Frontier Power assets
- iii. National Grid Electricity Transmission
- iv. National Highways and the objection raised to the Compulsory Acquisition of plots forming part of the Strategic Road Network

03:45 pm

Break

04:00 pm

Compulsory Acquisition Hearing 1 (session 4)

15. Update on the Applicant's intended change request

- i. The need and nature of the intended change request
- ii. Associated steps and timescales related to Compulsory Acquisition Regulations

16. Draft Development Consent Order

- i. Discussion on the term of Compulsory Acquisition (in perpetuity as opposed to 99 years), including, including precedence of different types of terms, and the term of the rights granted by the Crown
- ii. Justification for the need for the provision in Article 16(1) "*The undertaker may for the purposes of this Order enter on any land within the Order limits or which may be affected by the authorised project*"; if any landowners outside the order limits might be affected by this provision; the extent of the land over which this provision would be exercisable; list landowners affected by the provision in Article 16(1), and what consultation, if any has taken place to advise those landowners
- iii. Further and robust justification (notwithstanding precedence of other made Orders) that the provision of Article 20 that would



allow the undertakers to impose undefined new rights on any plot, which has not been the subject of consultation on that basis, is necessary, fair and lawful; alternative wording to restrict the widely drawn powers

- iv. Further and robust justification (notwithstanding precedence of other made Orders) that the interaction between Articles 26(8)(a) and Article 20(1) and 20(2) would allow the creation of permanent rights under over land which is intended for Temporary Possession only, and which has not been the subject of consultation on that basis, is necessary, fair and lawful; alternative wording to restrict the widely drawn powers
- v. Implications to the construction programme and viability of the Proposed Development if the notice period in Article 26 were increased

17. Procedural decisions, review of actions and next steps

18. Closing remarks

05:30 pm

Close of Compulsory Acquisition Hearing 1