

Application by Ecotricity (Heck Fen Solar) Limited for an Order Granting Development Consent for the Heckington Fen Solar Project

Agenda for Compulsory Acquisition Hearing (CAH):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing (CAH)	<p>Tuesday 21 November 2023 Hearing Starts at 10.00am</p> <p>Registration and seating available at venue from 9.30am</p> <p>For those participating via Microsoft Teams arrive at 9.30am to enter the virtual lobby.</p>	<p>DoubleTree by Hilton, Lincoln, Brayford Wharf North, Lincoln LN1 1YW</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>

Attendees

The Examining Authority (ExA) would be assisted by the attendance of representatives of the following parties:

- Ecotricity (Heck Fen Solar) Limited (the Applicant)
- Lincolnshire County Council in their role as landowner and Highway Authority
- National Grid Electricity Transmission plc and
- Any Affected Persons with an interest in Compulsory Acquisition or Temporary Possession of land or rights

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **10.00am** those attending virtually should join promptly at **9.30am** to ensure that all virtual attendees can complete the Registration Process in good time. Please confirm your attendance as soon as possible by contacting the Case Team:

heckingtonfensolar@planninginspectorate.gov.uk

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. Those who wish to only observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Documents to be referred to

This Agenda was based on submissions up to and including Deadline 2. It therefore reflects the following documents:

- Book of Reference v.4 [REP2-018]
- Statement of Reasons v.4 [REP2-014]
- Land and Crown Land Plans v.4 [REP2-004]
- Draft Development Consent Order v.4 [REP2-008]
- Funding Statement v.3 [REP2-016]
- Schedule of Negotiations with Landowners and Statutory Undertakers v.4 [REP2-020]

Procedure at the Compulsory Acquisition Hearing

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a 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 an IP has had a fair chance to put its case.

All Affected Persons (APs) and Interested Parties (IPs) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Agenda

Compulsory Acquisition Hearing 21 November 2023	
Item 1	Welcome, introductions, arrangements for the Hearing
Item 2	Purpose of the Compulsory Acquisition (CA) Hearing
Item 3	<p>Applicant’s Introduction to their CA Case</p> <p>The Applicant is to briefly outline their case for CA, including how it considers the tests contained in Section 122 of the Planning Act 2008 (PA2008) would be met.</p> <p>The Applicant is to summarise how the Application demonstrates that all reasonable alternatives to CA (including modifications to the scheme) have been explored.</p> <p>The Applicant is to provide a summary of the related provisions within the dDCO including Articles within Part 5, and Schedules 8 and 9.</p> <p>The Applicant is to provide an explanation regarding the plots in which rights are no longer sought.</p>
Item 4	<p>Applicant’s Progress Update</p> <p>The Applicant is to provide a brief update on the progress of negotiations and deadline for their conclusions with reference to the most recent Schedule submitted at D2 [REP2-020] in relation to Class Rights 1, 2 and 4.</p> <p>Affected Persons present will be asked for their comments and to set out any outstanding concerns which may prevent a timely agreement with the Applicant.</p>
Item 5	<p>Temporary Possession (TP)</p> <p>The Applicant is to set out the criteria which it would use in whether to seek the temporary use of land (Class 3 Rights) pursuant to Articles 27 and 28 of the dDCO as opposed to CA (Class Rights 1 and 2).</p> <p>The Applicants are asked to provide an update on progress of negotiations with Affected Persons in relation to Class 3 Rights and a deadline for their conclusions, and explain whether there</p>

	<p>has been / will be any amendments to use of TP or CA since the start of the Examination.</p> <p>Affected Persons present will be asked for their comments and to set out any outstanding concerns regarding the proposed temporary use of land and associated powers.</p>
Item 6	<p>Crown Land</p> <p>The Applicant is to explain the range of Crown land interests listed in Part 4 of the Book of Reference [REP2-018].</p> <p>The Applicant is to provide a brief update on the progress of negotiations with the relevant Crown Authority and deadline for achieving consent pursuant to Section 135 of PA2008.</p>
Item 7	<p>Statutory Undertakers - Sections 127 and 138 of PA2008</p> <p>The Applicants are asked to confirm if the Statutory Undertakers listed in Table 2 of the Schedule of Negotiations [REP2-020] is now a complete list or if any further amendments are expected.</p> <p>The Applicants are to confirm which Statutory Undertakers are subject to bespoke Protective Provisions in Schedule 13 of the dDCO and whether any additional bespoke Protective Provisions are expected to be added.</p> <p>The Applicants are asked to provide an update to the progress of negotiations with Statutory Undertakers and include a timetable for agreement of any outstanding matters arising from representations.</p> <p>Any Statutory Undertaker or other relevant body in attendance will be invited to put oral submissions to the ExA.</p>
Item 8	<p>Other Matters</p> <p>The Applicant's approach to Unidentified Interests as listed in Table 3 of the Schedule of Negotiations [REP2-020].</p> <p>Any updates to the Funding Statement [REP2-016].</p> <p>A summary of the Applicant's approach to Human Rights and Public Sector Equality Duty.</p> <p>Action to be taken if agreements not reached within the Examination timetable.</p> <p>Any other matters arising.</p>

Item 9	Review of Issues and Actions
Item 10	Close