

Application by Mallard Pass Solar Farm Limited for an Order Granting Development Consent for the Mallard Pass Solar Farm

**Agenda for Compulsory Acquisition Hearing 2 (CAH2):
Compulsory Acquisition and Temporary Possession Matters**

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 2 (CAH1) Compulsory Acquisition (CA) and Temporary Possession (TP) Matters	Tuesday 26 September 2023 (morning) Hearing Starts at 10.00am Registration and seating available at venue from 9:30am and virtual Registration Process from 9:30am The Hearing is anticipated to finish by 1.00pm	Orton Hall Hotel & Spa, The Village, Orton Longueville, Peterborough, PE2 7DN and By virtual means using Microsoft Teams

Attendees

All Affected Persons (AP) are invited to attend CAH2. Each AP is entitled to make oral representations at the Hearing, subject to the Examining Authority's (ExA) ability to control the hearing.

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties, where objections have not been withdrawn:

- The Applicant
- Essendine Parish Council
- Mr and Mrs Beamish
- Mr Richard Williams
- Mrs Woolley
- Individual APs – any other APs who wish to discuss CA/TP matters
- Mallard Pass Action Group
- Essendine Village Hall
- Network Rail Infrastructure Ltd (in relation to proposed railway cable crossing)

If you have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 555 or MallardPassSolar@planninginspectorate.gov.uk.

Agenda

Please note that this agenda was produced before Deadline 6 and may be subject to change dependent on submissions received.

1. Welcome, introductions, arrangements for the Hearing, including order in which representations will be heard.

2. Purpose of the hearing

3. The Applicant's case for Compulsory Acquisition (CA) and Temporary Possession (TP)

- a) ExA questions further to the Applicant's response to ExQ2 4.0.1 [REP5-013] regarding the land area required for the Proposed Development.
- b) ExA questions further to the Applicant's response to ExQ2 4.0.2 [REP5-013] regarding skylark mitigation areas.
- c) Any other matters regarding the Applicants case for CA and TP.

4. Review of the Applicant's Schedule of Negotiations and Powers Sought [REP4-005] and related matters

- a) The Applicant to briefly explain any recent updates to the Book of Reference [REP5-050].
- b) The Applicant to briefly summarise any updates on outstanding objections and progress with negotiations.

5. Cable crossing options

- a) The Applicant to provide update on proposed cable crossing options in relation to the East Coast Mainline Railway

6. Updated site-specific representations from persons who may be affected by the compulsory acquisition provisions in the draft Development Consent Order (Affected Persons)

In addition to the representations from Affected Persons in Essendine (in relation to the proposed cable works) the ExA requests updates in relation to representations received from Mr & Mrs Beamish, Mr Richard Williams and Mrs Woolley.

- a) Oral representations from Affected Persons who have notified a wish to make oral representations at this CAH2 and any section 102 or Category 3 persons wishing to make oral representations.

- b) The ExA will invite the Applicant to respond to each representation individually under this agenda item. The ExA will also ask questions.

7. Any other site-specific matters for the Applicant

- a) The ExA will ask questions of the Applicant and seek updates about negotiations and matters arising from written and oral submissions, unless they have been raised by APs and heard under Agenda item 5, or objections have been withdrawn.
- b) Questions regarding the inclusion of CA of rights sought for parts of Pickworth Road (including Plot Nos. 02-39, 02-40, 02-48 and 02-69).

9. Statutory Undertakers

- a) The Applicant to update on the current position in relation to negotiations with Statutory Undertakers, including whether Protective Provisions have been agreed.
- b) Any relevant submissions from Statutory Undertakers

10. Any further Human Rights considerations

11. Any other relevant matters

12. Review of actions arising

13. Close

Purpose of CAH1

The main purpose of CAH2 is:

- To enable the ExA to inquire further into the Applicant's case for CA of land or rights over land and /or to take TP of land;
- For the ExA to examine whether the relevant legal and policy tests applicable to CA and TP proposals have been met;
- To fulfil the ExA's duty to hear from any APs who request to be heard; and
- To address any related matters.

The agenda provided above is indicative and may be subject to change on the day. Documents within the Examination Library should be taken as read and need not be repeated in oral submissions, although signposting to key documents may assist.

The ExA recognises that other hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

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.

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. IPs and members of the public who wish to 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.

Procedure at Compulsory Acquisition Hearings

Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required. 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.

The hearing will finish as soon as the ExA deems that all those persons present have had their say and that all matters have been covered. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions. The evidence presented orally at CAH2 should be included in post-hearing submissions and submitted by **Deadline 7 (Tuesday 10 October 2023)**.