



# The Planning Inspectorate

## Planning Act 2008 – section 92

### Application by Gate Burton Energy Park Limited for an Order granting Development Consent for the Gate Burton Energy Park Project

#### Agenda for Compulsory Acquisition Hearing 1

In my letter published on 26 July (but which was erroneously dated 26 August 2023), I notified Interested Parties of my decision to hold a Compulsory Acquisition Hearing on the following date:

Hearing	Date and time	Location
<b>Compulsory Acquisition Hearing 1</b>	<b>Tuesday 22 August 2023</b>  <b>Hearing starts at 10.00 am</b>  (Registration and seating available at venue from 9.30am and virtual Registration Process from 9.30am*)	<b>Blended event at: Riseholme College - Showground Campus, Horncastle Lane, North Carlton. LN1 2ZR</b>  <b>(free on-site day parking)</b>  and  By virtual means using Microsoft Teams <sup>1</sup>

\*Virtual participants must join the Arrangements Conference in order to register and be permitted access to the Hearing.

#### Purpose of the Compulsory Acquisition Hearing

A Compulsory Acquisition Hearing is being held to ensure adequate examination of the provisions within the draft Development Consent Order (dDCO) seeking to authorise the Compulsory Acquisition of land and/ or rights over land and to assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met and whether there is a compelling case in the public interest for the land to be acquired compulsorily.

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<sup>1</sup> Further information is available in Advice Note 8.6, available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



## Agenda

In order to ensure that those attending the hearings can make the best use of the time, I have prepared the agenda below. Please note that this is indicative and is subject to change. I may wish to raise other matters arising from submissions and pursue lines of enquiry during the discussion which are not on the agenda.

## Participation, conduct and management of Hearing

The ExA intends to conduct this Hearing as a blended event with participants attending either in person or virtually via Microsoft Teams.

Anyone wishing to attend the Hearing, who has not already advised the Case Team of this, should do so as soon as possible. Contact the Case Team so that they have a reasonable understanding of the numbers who may wish to attend in person and if attending virtually so that you can receive joining instructions to access the hearing virtually.

Those appearing virtually can join using a computer, laptop, tablet, mobile phone or landline telephone. Invitees will receive full instructions on how to join online or by phone in a separate email shortly before the Hearing, including a joining link or telephone number through which you can join the Arrangements Conference. The joining link and telephone number are for your own personal use and **should not be shared with any other party**.

If attending virtually please join the Arrangements Conference at the appointed time for the Hearing you have been invited to. The Case Team will admit you from the Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

It is the Applicant's intention to livestream the Hearing, and a link to watch the livestream will be posted on the project webpage of the Planning Inspectorate's National Infrastructure Planning website closer to the event date. A recording of the Hearing will also be made available on the project webpage shortly after the event.

All Affected Persons (AP) whose land interests are affected under Compulsory Acquisition proposals are entitled to speak at a Compulsory Acquisition Hearing. Those who have indicated a wish to attend and those who have objected to the Compulsory Acquisition of land or rights or to the Temporary Possession provisions including Statutory Undertakers are being invited to attend the Hearing. Therefore, the Applicant and the following APs are invited to attend and participate in this Hearing:

- West Lindsey District Council;
- EDF Energy (Thermal Generation) Ltd
- Christopher Ash
- Emma Hill



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- Nicholas Hill
- Shaun Kimberley
- Weightmans LLP on behalf of Northern Power Grid
- Anglian Water Services
- Fisher German on behalf of Exolum Pipeline Systems
- ESP Utilities Group Ltd
- National Grid Electricity Distribution (East Midlands) Plc
- National Grid Transmission Plc
- Network Rail Infrastructure Ltd

The Examining Authority will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will be led by me.

Breaks will be taken during the Hearing as directed by the Examining Authority.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. I 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.

Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including through a further round of Written Questions should I consider this to be valuable and necessary.

Should the consideration of the issues take less time than anticipated, I 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, continue the Hearing at a subsequent sitting, or defer the matters to written questions.

I recognise that other Hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

[Gate Burton Examination Library](#)

The Hearing will have regard to submissions already set out in the following documents and any subsequent revisions or updates submitted at Deadline 2. You may find it useful to have copies available on your screen or printed beforehand:



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- Latest Draft Development Consent Order [REP2-027];
- Latest Draft DCO Explanatory Memorandum [REP2-029]
- Statement of Reasons [APP-218];
- Funding Statement [APP-221];
- Latest Book of Reference [AS-012];
- Schedule of Negotiations and Powers Sought [REP2-031]
- Land Plans [AS-10 and AS-011];
- Works Plans [AS-004 and AS-005]; and
- Crown Land Plans [APP-214].

May I draw your attention to **Deadline 3** on the Examination Timetable (**Friday 1 September 2023**) and my request to receive full transcripts of all oral submissions to be given at this Hearing by that date. Note that any additional illustrative or supporting material that you wish to share must be submitted at **Deadline 3**, as it will not be possible for you to show it on screen during your contribution to the Hearing.

Please contact the case team if you have any questions:  
[GateBurtonSolar@planninginspectorate.gov.uk](mailto:GateBurtonSolar@planninginspectorate.gov.uk)



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## Compulsory Acquisition Hearing 1

## Compulsory Acquisition and Temporary Possession

<b>Application</b>	Gate Burton Energy Park
<b>Date</b>	Tuesday 22 August 2023
<b>Time</b>	10:00 a.m.
<b>Venue</b>	Riseholme College - Showground Campus, Horncastle Lane, North Carlton. LN1 2ZR and virtually on Microsoft Teams
<b>Circulation</b>	Invitees

## Agenda

<b>Item 1</b>	<b>Welcome, introductions and arrangements for the Hearing</b>
<b>Item 2</b>	<b>Purpose of the CAH and ExAs open remarks</b> To enable the ExA to examine the Applicant's strategic case, and whether the relevant legal tests, policy and guidance have been addressed: in particular, the ExA will inquire into the following: <ul style="list-style-type: none"><li>• The Applicant's strategic case for compulsory acquisition (CA) and temporary possession (TP) of land and/or rights;</li><li>• The compulsory acquisition and related provisions as presented within the draft Development Consent Order (DCO);</li><li>• Whether the conditions relating to the land being required for the proposed development, or required to facilitate or be incidental to the proposed development, is met; and</li><li>• Whether there is a compelling case in the public interest for the compulsory acquisition provisions overall (noting that no judgement will be made on this matter pending the hearing of individual CA and TP objections).</li></ul>
<b>Session 1: General Case</b>	
<b>Item 3</b>	<b>Summary of DCO provisions</b> 3.1 The Applicant to set out very briefly which Articles engage Compulsory Acquisition and Temporary Possession powers.



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	<p>3.2 The Applicant to summarise very briefly any other provisions in the draft DCO (dDCO) relating to Compulsory Acquisition and Temporary Possession.</p> <p>3.3 The Applicant to set out briefly the consideration of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) in relation to the application.</p> <p>3.4 The Applicant to set out briefly, as above, the consideration of Article 6 of the ECHR.</p> <p>3.5 The Applicant to set out briefly, as above, the consideration of Article 8 of the ECHR.</p> <p>3.6 The Applicant to set out briefly any duties under the Equality Act 2010 in relation to the application.</p>
<b>Item 4</b>	<p><b>The Applicant's strategic case for CA and TP</b></p> <p>4.1 The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the Planning Act 2008 (PA2008).</p> <p>4.2 The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers are sought comply with section 122(2) of the PA2008.</p> <p>4.3 The Applicant to set out briefly whether all reasonable alternatives to Compulsory Acquisition and Temporary Possession have been explored?</p> <p>4.4 The Applicant to explain whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate;</p> <p>4.5 Whether, in accordance with s122(3) of PA 2008, there is a compelling case in the public interest for the compulsory acquisition proposed, both in relation to the need in the public interest for the project to be carried out and in respect of the private loss to those affected.</p> <p>4.6 Any comments from APs on the Applicants general case? However, any site-specific submissions must be reserved to the specific part of Session 2 of CAH1 that has been allocated to individual APs to have their cases heard.</p> <p>4.7 Applicants right of reply?</p>
<b>Item 5</b>	<p><b>Crown Land and Special Category land</b></p> <p>5.1. Update on getting consent for the inclusion of the Crown land</p>



	<p>5.2. Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable)</p> <p>5.3. Likelihood and implications of agreement not reached before the close of the Examination.</p> <p>5.4. Confirmation that the Order Lands do not include any National Trust land or Commons (including town or village greens) open space or fuel or field garden allotments.</p>
<b>Item 6</b>	<p><b>Statutory Undertakers (SUs)</b></p> <p>6.1. The Applicant to list and briefly set out the current position in relation to any representations made under s127 of the PA2008 and not withdrawn.</p> <p>6.2. The Applicant to explain the application of s138 of the PA2008 to the dDCO and list the Statutory Undertakers involved.</p> <p>6.3. The Applicant to set out briefly whether protective provisions are in a satisfactory form that is agreed with the relevant parties listed.</p> <p>6.4. The ExA will hear oral representations from any SUs in attendance.</p>
<b>Item 7</b>	<p><b>Review of Schedules of negotiations and Powers Sought</b></p> <p>The Applicants to summarise outstanding objections and progress on negotiations on alternatives to compulsory acquisition (CA).</p>
<b>Item 8</b>	<p><b>Funding</b></p> <p>The Applicant to provide any further updates to the Funding Statement and whether adequate funding is likely to be available to enable the Compulsory Acquisition to proceed within the statutory period following the draft DCO being made.</p>
<b>Session 2: Individual cases</b>	
<b>Item 9</b>	<p><b>Individual Objections to Compulsory Acquisition and Temporary Possession</b></p> <p>For each AP matters will be considered as follows:</p> <ol style="list-style-type: none"><li>1) The ExA will ask the AP to summarise its objection to the proposed CA and TP powers sought by the Applicant, having regard to the legislative and policy tests for CA.</li><li>2) The ExA will ask the Applicant for its response to the AP's objection. In responding to the AP's objection, the Applicant should make its response proportionate to the objection and address the following matters:</li></ol>



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	<p>a) The applicable statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (as amended) (PA2008) and DCLG Guidance<sup>2</sup>;</p> <p>b) human rights considerations as relevant; and</p> <p>c) any other important and relevant considerations bearing on the objection heard.</p> <p>3) Any questions that the ExA may have with respect to CA/TP of that AP.</p> <p>4) The AP's final right of reply with respect of its CA and TP objections.</p> <p>The ExA will provide an opportunity for responses from those APs who have objected to the CA/TP of their land or interests in the following order:</p> <ul style="list-style-type: none"><li>• Christopher Ash</li><li>• Emma Hill</li><li>• Nicholas Hill</li><li>• Shaun Kimberley</li></ul> <p>Then will provide an opportunity for any other AP present to make representations.</p>
<b>Item 10</b>	<b>Review of issues and actions arising</b> <p>The ExA will check that all APs expecting to have been heard orally during CAH1 have been heard and will review any action points that have arisen during the hearing.</p>
<b>Item 11</b>	<b>Any Other Matters</b> <p>The ExA will conclude by considering if there are any outstanding matters or issues related to CA or TP that have not been raised during the hearing.</p>
<b>Item 12</b>	<b>Close</b>

<sup>2</sup> ['Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' \(DCLG 2013\)](#)