

**Application by West Burton Solar Limited for an Order Granting Development Consent for the West Burton Solar Project**

**Agenda for Compulsory Acquisition Hearing 1 (CAH1):**

Notification of the date, time, and venue for Compulsory Acquisition Hearing 1 (CAH1) was provided in the Examining Authority's [Notification of Hearings and Request for Information](#) on 19 December 2023.

Hearing	Date and Time	Location
<b>Compulsory Acquisition Hearing 1 (CAH1)</b>	<p><b>Tuesday 6 February 2024</b></p> <p><b>Hearing Starts at 10:00am</b></p> <p>Registration and seating available at venue from 09:30am and virtual Registration Process from 09:30am</p>	<p>Solheim Suite Thonock Park The Belt Road Gainsborough Lincolnshire DP21 1PZ</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

Item	Matters
1.	<p><b>Welcome and introductions</b></p> <p>The Examining Authority (ExA) will welcome participants and lead introductions. The live stream and recording will start.</p>
2.	<p><b>Purpose of the Hearing and how it will be conducted</b></p>
3.	<p><b>The Applicant's Case for Compulsory Acquisition (CA) and Temporary Possession (TP)</b></p> <p>The Applicant will be asked to present and justify its case for CA and TP by addressing the following points:</p> <ul style="list-style-type: none"> <li>• Identification of the powers sought and their purposes.</li> <li>• Relevant draft Development Consent Order provisions.</li> </ul>

	<ul style="list-style-type: none"> <li>• How the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s122, s123, s127 and s138) and Department for Communities and Local Government guidance related to compulsory acquisition would be met.</li> <li>• The Applicant's strategy / criteria for determining whether to seek powers for CA of land, CA of rights or TP of land.</li> <li>• Consideration of alternatives to CA / TP.</li> <li>• Human rights considerations.</li> </ul> <p>The ExA will ask questions in relation to the Applicant's case for CA and TP, with particular reference to whether the extent of powers sought are justified.</p> <p>The ExA will invite submissions from Affected Persons (APs) who wish to raise general matters in relation to the Applicant's case for CA and TP.</p> <p>Site-specific submissions will be reserved to agenda item 5.</p>
<p><b>4.</b></p>	<p><b>The Applicants Update as a consequence of the <a href="#">Change Request</a></b></p> <p>The Applicant will be asked to explain the implications of the Change Request in terms of the CA and TP provisions sought and how they meet the tests of the PA2008.</p>
<p><b>5.</b></p>	<p><b>Site Specific Matters</b></p> <p>The Applicant will be asked to provide an update on the progress of negotiations with APs and the timetable for their conclusion.</p> <p>APs will be asked to briefly set out any outstanding concerns in relation to CA / TP for the land in which they have an interest that have not been addressed by the Applicant.</p> <p>The ExA will ask questions of the Applicant and APs about negotiations and matters arising from written and oral submissions relating to land rights, unless objections have been withdrawn.</p>
<p><b>6.</b></p>	<p><b>Statutory Undertakers</b></p> <p>The Applicant will be asked to:</p> <ul style="list-style-type: none"> <li>• Summarise any outstanding matters arising from representations by Statutory Undertakers.</li> <li>• Summarise whether the relevant tests for the exercise of power pursuant to s127 and s128 of PA2008 would be met in the event that agreement is not reached with all statutory undertakers.</li> </ul>

	<p>Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.</p> <p>The ExA will ask questions of the Statutory Undertaker or other relevant body, and the Applicant, about matters arising from written and oral submissions.</p>
<b>7.</b>	<p><b>Crown Land</b></p> <p>The ExA will ask the Applicant (and any Crown authorities present) to provide an update on matters relating to Crown land and s135 of PA2008.</p>
<b>8.</b>	<p><b>Funding</b></p> <p>The ExA will ask the Applicant to summarise, and advise of any updates to, the Funding Statement.</p>
<b>8.</b>	<p><b>Review of issues and actions</b></p>
<b>9.</b>	<p><b>Any other matters</b></p>
<b>10.</b>	<p><b>Close</b></p>

## **Purpose of CAH**

The main purpose of the CAH is:

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

## **Notes on participation, conduct and management of the hearing**

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

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The ExA would find it helpful if the following parties (including representatives who are able to discuss matters on the agenda) were able to attend this Hearing.

- The Applicant
- Any Affected Persons - who wish to discuss CA / TP matters.
- Statutory Undertakers - including Lincolnshire County Council (as lead local flood and local highways authority) and Network Rail Infrastructure Limited.
- Any Crown authorities - who wish to discuss matters relating to Crown land.

Anyone wishing to attend and participate the Hearing in person, or virtually, who has not already advised the Case Team of this, should do so as soon as possible.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

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

The evidence presented orally at the CAH should be included in post-hearing submissions and submitted by **Wednesday 28 February 2024 (Deadline 4)**.

The event will be livestreamed and a link for watching the livestream will be posted on the [project page](#) 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.

### **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 10.00 those attending virtually should join promptly at 09.30 to ensure that all virtual attendees can complete the Registration Process in good time.