

**Application by Enso Green Holdings D Limited for an Order Granting Development Consent for the Helios Renewable Energy Project**

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

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Compulsory Acquisition Hearing 1 On The Applicant's strategic case for Compulsory Acquisition &amp; Temporary Possession &amp; related funding matters</b>	<b>Thursday 5 December 2024</b> <b>Hearing Starts at 10.00am</b> Registration and seating available at venue from 9.30am and virtual Registration Process from 9.30am	The Parsonage Hotel and Spa, Escrick, York, North Yorkshire, YO19 6LF  and By virtual means using Microsoft Teams

**Agenda items**

- 1. Welcome and logistics**
- 2. Purpose of the Compulsory Acquisition Hearing**
- 3. Introductions**
- 4. The Applicant's case for the Compulsory Acquisition (CA) of Rights & Temporary Possession (TP) of land and rights**

The ExA will ask questions of the Applicant relating to the following matters:

<b>a)</b>	<b>The relationship between the design approach, the extent of land sought and the Applicant's initial CA &amp; TP request</b>
i	The extent of land sought to be subject to CA.
ii	The Applicant's proposed approach to CA, through seeking acquisition of rights and not the permanent acquisition of land: <ul style="list-style-type: none"> <li>• are there circumstances in which it could be argued that the permanent acquisition of land, in addition to rights over land, would make the delivery of the Proposed Development simpler or more efficient; and</li> <li>• are there circumstances where the proposed acquisition of rights as distinct from land could unfairly burden the landowner, having regard to the nature of the Proposed Development on and/ or use of that land?</li> </ul>

iii	Whether the statutory tests for CA are met on all land: <ul style="list-style-type: none"> <li>• whether the purposes for which the compulsory acquisition (CA) powers are sought comply with s122(2);</li> <li>• whether the ‘compelling case in the public interest’ test under s122(3) is met on all land sought.</li> </ul>
iv	Consideration of reasonable alternatives to CA.
v	The extent of land sought to be subject to TP.
vi	The justification for land sought to be subject to TP. <ul style="list-style-type: none"> <li>• Is there any land in the Order limits only intended to be used temporarily? If so should the dDCO be updated to address this directly (such as identifying specific plots)?</li> </ul>
vii	Approach to Category 3 Parties.
<b>b)</b>	<b>The purpose and adequacy of the funding statement (FS)</b>
i	Whether the Applicant/ undertaker has sufficient funds to hand to meet the aggregate compensation liabilities which could arise from the CA request.
ii	Whether the proposed means of security for funding is appropriate and sufficiently certain.
iii	Are there any anticipated circumstances in which the potential aggregate liability could grow to exceed reasonably available/ secured funding?
<b>c)</b>	<b>Whether there is a compelling case in the public interest for the compulsory acquisition and temporary possession provisions overall?</b>

Affected Persons will be welcome to participate. Where APs consider relevant legal tests and or policies have not been met, they will be invited to address the ExA at the level of general principle and in whole-of-project/ summary terms. It should be remembered that individual site-specific objections will be fully heard at a later hearing(s) and do not need to be presented today.

The Applicant will be provided with a right of reply.

## 5. Statutory Undertaker’s Land and Rights

The ExA will ask questions of the Applicant relating to the following matters:

<b>a)</b>	<b>Statutory Undertaker’s land and rights</b>
i	The Applicant’s current position in respect of PA2008 s127 and s138 including progress on negotiations and those remaining which have not been withdrawn?
ii	The condition of negotiations, and whether there are unresolved concerns relating to statutory undertaker’s land, rights and apparatus.

Affected Persons will be welcome to participate, with priority given to those representing affected statutory undertakers.

The Applicant will be provided with a right of reply.

## 6. Human Rights and Equalities

The ExA will ask questions of the Applicant relating to the following matters:

<b>a)</b>	<b>The Human Rights Act (ECHR)</b>
i	<ul style="list-style-type: none"><li>• circumstances within which these might be engaged;</li><li>• measures undertaken and/or in process to address possible engagement.</li></ul>
<b>b)</b>	<b>The Public Sector Equality Duty (PSED)</b>
i	<ul style="list-style-type: none"><li>• circumstances within which these might be engaged;</li><li>• measures undertaken and/or in process to address possible engagement.</li></ul>

Affected Persons will be welcome to participate. However, if any individual AP has a detailed Human Rights or Equalities case to make, they should do so at a subsequent CAH.

## 7. Next Steps

- Actions arising from this hearing
- Any other matters

## 8. Closing

### Purpose of CAH

The purpose of this CAH is to inquire into the Applicant's strategic case for the Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights to support the development of the proposed Helios Renewable Energy Project.

### Attendees

The ExA would find it helpful if the following parties could attend this Hearing.

- Applicant
- North Yorkshire Council
- Affected Persons (APs) objecting to the granting of CA and or TP powers on a strategic basis; namely that the extent of land or rights sought does not meet relevant legal or policy requirements
- Affected Statutory Undertakers

However, this does not indicate that other parties will not be able to contribute. All Affected Persons (APs) may 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 above 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.

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

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.

## Timing

The ExA will keep to the agenda as much as possible. The hearing is not expected to go beyond 5.00pm.

Written summaries of oral submission should be submitted at the next Deadline, following this Hearing, as identified in the Timetable.

## 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.

## Requests to be Heard

Individual Affected Persons may request to be heard at this first, strategic hearing (CAH1), but only on the basis that they are concerned that the Applicant has not complied or will not comply with the relevant legal tests, policy and guidance in respect of its strategic case for CA and/or TP.

If required there will be a second Compulsory Acquisition Hearing (CAH2), and potentially a further CAH. These hearings will be held to allow individual objections by Affected Persons relating to individual parcels of land and/or rights to be heard. They may be held as blended events in a venue near to the application site and online, or virtually (online only). The ExA will ensure that there is enough time set aside at these hearings for all Affected Persons who notify us that they wish to speak about their objection to be heard.

Those permitted to speak at any later CAH and who wish to be heard should submit their request on or before **Deadline 1 (13 December 2024)** via the Inspectorate's [project webpage](#).

If you are not presently listed in the Book of Reference and/ or have not been granted Interested Party status under section 102A of the Planning Act 2008 but

think that your land or rights may be directly affected, you may apply to speak at a Compulsory Acquisition Hearing: please contact the Case Team. The ExA will consider your request and, if it is granted, will invite you to speak. If the ExA has questions that it wishes to put to the Applicant about the extent of land or rights subject to compulsory acquisition or temporary possession that might affect you and your land or rights, the ExA will also invite you to speak.

### **Procedure at CAH**

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 make its case.