



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Triton Knoll Electrical System Compulsory Acquisition Hearing

Agenda

Date	13 November 2015
Location	The Storehouse Conference Centre, North Parade, Skegness, PE25 1BY

Please note:

The compulsory acquisition hearing is being held to ensure adequate examination of the provisions within the DCO seeking to authorise the compulsory acquisition of land and to assess whether the conditions relating to the land being required for the 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.

All interested parties are welcome to attend the hearing. However, affected persons whose land interests are affected under compulsory acquisition proposals are specifically invited to attend.

The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The Examine Authority (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 through the inclusion of questions in the ExA's second questions.

Should the consideration of the issues take less time than anticipated, the ExA 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 at any hearing there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting.

The ExA recognise that other hearings may contribute information and evidence which will be used in support of a recommendation in respect of compulsory acquisition.

Throughout this hearing, the ExA will be referring to the following documents:

- *Appendix 22: Draft Development Consent Order and Deemed Marine Licence: Comparison of Revision B and Revision C* [REP2-022]
- *Appendix 23: Schedule of DCO Amendments* [REP2-023]
- *Explanatory Memorandum* [APP-011]
- *Funding Statement* [APP-013]
- *Book of Reference* [APP-130]
- *Order Limits Plans* [APP-122]
- *Works Plans* [APP-123] accepted into the Examination and published on 9 September 2015
- *Land and Crown Plans* [APP-124] alongside *Appendix 13: Updated Land Plans* [REP2-020]
- *Appendix 40: Statement of Reasons – Revision B* [REP-061]

References in square brackets [] are to the number in the Examination Library. This document is found on the Triton Knoll Electrical System pages of the National Infrastructure pages of the Planning Portal at <http://infrastructure.planninginspectorate.gov.uk/document/3405388>

1. **Introductions**
2. **Opening remarks by the Examining Authority**
3. **Requests to question a person making oral representations directly under s.94 of the 2008 Act**

Cross-questioning of the 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 a person has had a fair chance to put their case.

4. **Summary by the Applicant of changes to key documents** submitted at Deadlines 1 and 2
5. **Report from the applicant** on the position in respect of:

- a) Negotiations with the Crown Estate (plots 01a/01 and 22/20) and the Highways Agency Historical Railways Estate (plots 24/02, 24/09, 24/10, 25/02, 25/06, 25/11, 25/14, 25/16, 25/18, 25/19, 25/23, 37/18 and 37/19). The ExA note the submission of Consent from The Crown Estate Commissioners for the purposes of sub-sections (1) and (2) of section 135 of the Planning Act 2008 [REP-064]
- b) Negotiations with Lincolnshire County Council in respect of special category land under s.131 and 132 of the 2008 Planning Act (plot 01/01)
- c) The position in respect of statutory undertakers potentially affected by the provisions of s.127 and/or s.138 of the 2008 Planning Act, insofar as this has not been dealt with under item 5 jj) of the Development Consent Order Hearing (DCO) scheduled for 12 November 2015

This item will draw on, inter alia, responses to the ExA's first questions CA 1.1, CA 1.7, CA 1.8, CA 1.9, CA 1.10, CA 1.11 and CA 1.12 including Appendix 7: Table of Progress for Protective Provisions (amended 1 Oct 2015) Deadline 1 [REP-050] and The Applicant's Response to Deadline 2 [REP2-007] and Appendix 12: Updated schedule of compulsory acquisition [REP2-019] submitted by the Applicant at Deadline 2.

6. **Report from the applicant** on the position in respect of negotiations with any affected persons not already covered in item 4.

This item will draw on, inter alia, Appendix 12: Updated schedule of compulsory acquisition [REP2-019] submitted by the Applicant at Deadline 2.

7. **Oral representations from affected persons** present and/or formally represented. These may include the issue of protective provisions in so far as they have not been dealt with at the issue specific hearing on the DCO scheduled to be held on 12 November 2105.

8. **Objections to compulsory acquisition**

To consider issues raised by those affected persons who have made a specific or identifiable objection to compulsory acquisition in Relevant Representations or other representations insofar as they have not been dealt with in items 5 and 6, above.

9. **Category 3 persons**

To consider the criteria for the selection of affected persons included as Category 3 claimants in Part 2 the Book of Reference (BoR) [APP-130].

10. **The draft DCO**

To consider aspects of Part 5 of the draft DCO

This item will draw on, inter alia, responses to the ExA's first questions DCO 1.20, DCO 1.21, DCO 1.22, DCO 1.23 and DCO 1.24

11. To seek **to establish a compelling case in the public interest** for the land to be acquired compulsorily; including:

a) The overall need for the project

12. To seek to establish that **the land is required** for the development to which the development consent relates or that it is required to facilitate, or is incidental to, that development and is for a legitimate purpose, including:

a) The width of the cable corridor

b) The required footprint for the intermediate electrical compound and the onshore electricity substation

c) How the applicant intends to use the land which it is proposed to acquire, including the eventual use of land where compulsory acquisition has been applied for, for example, on land larger than that required for the work or to provide flexibility in decision making

This item will draw on, inter alia, responses to the ExA's first questions CA 1.6 and CA 1.8 and on Appendix 28: Onshore Export Cable Corridor Requirements – Explanatory Note [REP2-028] submitted by the Applicant at Deadline 2

13. To seek to establish that all **reasonable alternatives** to compulsory acquisition have been explored; including:

a) The use of alternative methods to achieve the required control over land

b) Issues surrounding liaison between the Applicant and affected persons

c) The routing of connector pipes and/or cables to minimise the need to acquire compulsorily

*This item will draw on, inter alia, responses to the ExA's first questions CA 1.2 and CA 1.3. The ExA **note** the Applicant's response to question CA 1.4.*

14. To seek to establish that any **potential risks or impediments** to the implementation of the scheme have been properly managed; including:

a) Any perceived impediments to obtaining any operational and other consents

This item will draw on, inter alia, responses to the ExA's first questions DCO 1.14 and DCO 1.15.

15. To seek to establish that the proposed interference with the rights of those with an interest in the land is **necessary and proportionate**, including with reference to Protocol 1 Art.1 of the European Convention on Human Rights; including:

a) The proposed use of restrictive covenants

b) The effect of compulsory acquisition on the operation of agricultural and other businesses and activities affected by applications for compulsory acquisition.

Please **note** that discussions to be held at the Hearing into socio-economic issues scheduled to be held on 19 November 2105 will also be relevant to this issue.

This item will draw on, inter alia, responses to the ExA's first questions CA 1.5 and CA 1.14

16. To examine the **authority to survey and investigate the land** under Article 13

This item will draw on, inter alia, responses to the ExA's first questions CA 1.15, CA 1.16 and CA 1.17

17. To seek to establish that there is a reasonable prospect of the requisite **funding** for the proposed project and for compulsory acquisition becoming available; including:

a) The estimated costs of the project

b) The estimated cost of compulsory acquisition

c) The source and availability of funding

d) The nature of the guarantee or alternative form of security

e) Parent company structure

f) Approval of the guarantee or alternative form of security

This item will draw on, inter alia, responses to the ExA's first questions CA 1.18, CA 1.19, CA 1.20 and CA 1.21

18. **Any other relevant business**

19. **Close of hearing**