



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Agenda

Triton Knoll Electrical System Compulsory Acquisition Hearing

Dates	20 January 2016
Time	<i>Registration: 1.30pm</i> <i>Start: 2.00pm</i>
	21 January 2016
	<i>Registration: 9.00am</i> <i>Start: 9.30am</i>
	22 January 2016 (<i>registration 9.00am and start 9.30am if required</i>)
Location	The Storehouse Conference Centre, North Parade, Skegness

Agenda

Please note:

The Compulsory Acquisition Hearing is being held to ensure adequate examination of the provisions within the Development Consent Order (DCO) seeking to authorise the compulsory acquisition of land and/or rights over 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. Affected persons whose land interests are affected under compulsory acquisition proposals are specifically invited to attend and to make representations at the Hearing.

The Applicant has set out its understanding of the position in respect of each of the affected persons in an *Updated schedule of Compulsory Acquisition:*

Appendix 14 of Submission for Deadline 4

<http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020019/Events/Deadline%20-%20-%2005-01-2016/160105%20EN020019%20%20Updated%20schedule%20of%20Compulsory%20Acquisition.pdf>.

Any person or body that is potentially affected by the Applicant's request for the compulsory acquisition of land or of rights over land is encouraged to look at this document and to consider whether they wish to make representations in person or through an agent directly to the ExA at the Compulsory Acquisition Hearing.

Time has been allowed specifically on Thursday 21 January and, if required, the morning of Friday 22 January 2016 to allow affected persons to make representations to the Examining Authority (ExA).

If you do want to attend and speak at the Compulsory Acquisition Hearing, you need to inform Katherine King via the project mailbox tkes@pins.gsi.gov.uk by 15 January 2016 to ensure that sufficient time is allocated for this part of the Hearing.

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 the lead 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 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 this Hearing does not preclude further examination of this issue.

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.

The ExA will be using *Revised draft Development Consent Order and Deemed Marine Licence – Comparison of Revision D and Revision E. Appendix 16 of Submission for Deadline 4 [REP4-043]* and *Draft Development Consent Order Schedule of Amendments Explanatory Document. Appendix 19 of Submission for Deadline 4 [REP4-046]* published on 6 January 2016.

The ExA will be using the *Explanatory Memorandum [APP-011]* and the *Funding Statement [APP-013]* submitted as part of the application and published on 21 May 2015.

The ExA will be using the version of the *Book of Reference [APP-130]* accepted into the Examination on 9 September 2015.

The ExA will be using the version of the *Order Limits Plans* [APP-122] [APP-123] accepted into the Examination on 9 September 2015 as modified by *Consequential changes to the Order Limit Plan and Development Boundary Comparison Plan related to the Bicker Fen Change request: Appendix 39 of Submission for Deadline 4* [REP4-069] published on 6 January 2016.

The ExA will be using the version of the Works Plans [APP-123] accepted into the Examination on 9 September 2015 as modified by *Appendix A of Bicker Fen Extension and Reconfiguration Note - Environmental Statement Addendum Relating to Works at Bicker Fen* [APP-137] and by *Works Plan extract –Sheet 31 showing access to Sibsey Lancaster Memorial. Appendix 41 of Submission for Deadline 4* [REP4-071] published on 6 January 2016.

The ExA will be using *Appendix 40: Statement of Reasons – Revision B* [REP-061] submitted by the Applicant for Deadline 1 and published on 7 October 2015.

The ExA will be using the version of the *Land and Crown Plans* [APP-124] accepted into the Examination on 9 September 2015 alongside *Appendix 13: Updated Land Plans* [REP2-020] submitted by the Applicant for Deadline 2 and published on 28 October 2015.

References in square brackets [] are to the reference number in the Examination Library. This is found on the Triton Knoll ES pages of the National Infrastructure pages of the Planning Portal at <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020019/0.%20Project%20Management/Examination%20Library.pdf>

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

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 Deadline 4
5. **Summary by the Applicant of the position on Statements of Common Ground**

This item will draw on, inter alia, responses to the ExA's second question DCO 2.1

6. **Report from the Applicant** on the position in respect of 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).
7. **Report from the Applicant and Lincolnshire County Council** on the position in respect of special category land under s.131 and 132 of the Planning Act 2008 (plot 01/01) including the correctness of the procedure adopted and whether the relevant order land, when burdened with the order right, will be no less advantageous than it was before.

This item will include the examination of the Applicant's proposed amendment to Article 6 of the draft DCO which would have the effect of dis-applying provisions of the Lindsey County Council (Sandhills) Act 1932.

This item will draw on, inter alia, responses to the ExA's second questions CA 2.19 and CA 2.20.

8. **Report from the Applicant** on the position in respect of statutory undertakers potentially affected by a) a request for the compulsory acquisition of land and/or rights over land and b) the provisions of s.127 and/or s.138 of the Planning Act 2008. These will include the issue of protective provisions.

This item will draw on, inter alia, responses to the ExA's second questions CA 2.21 and CA 2.22.

9. To seek **to establish a compelling case in the public interest** for the land to be acquired compulsorily; including:
- a) whether the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired

This item will draw on, inter alia, responses to the ExA's second question CA 2.9.

10. 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 the process for securing an approach whereby the undertaker would only seek to compulsorily acquire land and/or permanent – rather than temporary - rights over land that it is required to facilitate, or is incidental to, that development and is for a legitimate purpose.

This item will draw on, inter alia, responses to the ExA's second questions CA 2.7 and CA 2.8.

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

- a) progress in acquiring land by negotiation wherever practicable including a **report and update from the Applicant** on the overall position in respect of negotiations with affected persons not already covered in item 5.

This item will draw on, inter alia, the Updated schedule of Compulsory Acquisition: Appendix 14 of Submission for Deadline 4 [REP4-041] and

- b) the Applicant's commitment to securing necessary land by agreement including the potential use of alternative dispute resolution techniques.

This item will draw on, inter alia, responses to the ExA's second questions CA 2.2, CA 2.3, CA 2.4, CA 2.5 and CA 2.6.

12. 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 and to achieving the required connection to the National Grid.

This item will draw on, inter alia, responses to the ExA's second questions DCO 2.13.

13. 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 Applicant's proposed amendments to the restrictive covenant
- b) The effect of Compulsory Acquisition on the operation of agricultural and other businesses and activities affected by applications for Compulsory Acquisition insofar as this has not already been examined at the Hearing into Local Impacts scheduled to be held on 19 January 2016.

This item will draw on, inter alia, responses to the ExA's second questions CA 2.10 including the Applicant's Note on proposed modifications to form of Restrictive Covenant: Appendix 30 of Submission for Deadline 4 [REP4-060] published on 6 January 2016.

- 14. To examine aspects of the **authority to survey and investigate the land** under Article 13

This item will draw on, inter alia, responses to the ExA's second questions DCO 2.17 and CA 2.23.

- 15. 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) Aspects of the estimated cost of compulsory acquisition, including estimates of potential costs of claims under s.10 of the Compulsory Purchase Act 1965
- b) The possible use of debt funding
- c) the joint venture shareholders' agreement
- d) The specification of a time limit in Article 37 (3)
- e) The nature of the guarantee or alternative form of security

This item will draw on, inter alia, responses to the ExA's second questions CA 2.13, CA 2.14, CA 2.15, CA 2.16, CA 2.17 and CA 2.18 and the ExA's first question CA 1.18.

- 15. **Oral representations from affected persons** present and/or formally represented.

- 16. **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 or other Representations insofar as they have not been dealt with in items 5 and 16, above.

- 17. **Any other relevant business**

- 18. **Close of Hearing**