

Application by National Grid Electricity Transmission (NGET) for an Order Granting Development Consent for the Yorkshire GREEN Project

**Agenda for Compulsory Acquisition Hearing 1 (CAH1):
Compulsory Acquisition and Temporary Possession Matters**

Hearing	Date	Time	Location
Compulsory Acquisition Hearing 1 (CAH1) Compulsory Acquisition and Temporary Possession Matters	Thursday 25 May 2023	Virtual Room opens: 1.00pm Seating available at venue from: 1.30pm Virtual Arrangements Conference from: 1.45pm Hearing starts: 2.00pm	The Classic Suite, Delta Hotels by Marriott York, Tadcaster Road, York, YO24 1QQ (free on-site day parking) and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

Attendees

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

The ExA would be assisted by attendance of representatives of the following parties:

- The Applicant
- City of York Council (CYC): input on Highways matters may be required
- North Yorkshire Council (NYC): liaison officer for Traveller Community and input on Highways matters may be required
- Northern Powergrid (Yorkshire) PLC
- Northern Powergrid (Northeast) PLC
- National Highways
- Individual APs – any APs who wish to discuss CA/ TP matters including:
 - those with an interest in plots E7-34 or E7-40 [REP2-016]: the Travellers' site at the junction of the A1(M) and A63, or their representative.

If you have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 5000 or yorkshiregreen@planninginspectorate.gov.uk.

Agenda

- 1. Welcome, introductions, arrangements for the hearing, including order in which representations will be heard**
- 2. Purpose of Compulsory Acquisition Hearing 1**

PART 1

3. The Applicant's case for Compulsory Acquisition (CA) and Temporary Possession (TP)

The ExA will ask the Applicant to present and justify its case for CA and TP briefly, including addressing the following matters:

- Whether the purpose for which CA powers are sought would comply with s122(2) of PA2008. (An overview is required. The ExA acknowledges the submission of the standalone 'Details of Purpose for Which Compulsory Acquisition and Temporary Possession Powers are Sought' [REP2-012])
- Whether all reasonable alternatives to CA and TP have been explored. (The ExA requires a strategic overview here and will explore site-specific matters under Agenda items 4 and/ or 5 below).
- Summary of reasons why the CA and TP rights to be acquired, are necessary and proportionate, including the Applicant's strategy and criteria for determining whether to seek powers for CA of land, CA of rights or TP of land.
- Having regard to section 122(3) of the PA 2008, whether there is a compelling case in the public interest for the land to be acquired compulsorily and that the public benefit would outweigh the private loss. (The ExA acknowledges, and finds helpful, the detail provided in response to ExQ1 4.4.2 by the Applicant [REP2-039], Appendix H. it is not necessary to repeat this detail, just to provide an overview and whether there are any updates.)

The ExA will seek views from IPs and APs present on the Applicant's case as presented.

PART 2

4. Site-specific representations from persons who may be affected by the compulsory acquisition provisions in the draft Development Consent Order (Affected Persons)

The ExA will hear oral representations from:

- APs who have notified a wish to make oral representations at this CAH1 and any section 102 or Category 3¹ persons wishing to make oral representations.

¹ Those persons whose land is not proposed to be subject to compulsory acquisition but whose land or property may be affected by the construction or use of the proposed development such that they may be able to make claims for compensation (section 57(4) PA2008 (as amended)).

- b. The ExA will invite the Applicant to respond to each representation individually under this agenda item, in addition to the general and specific updates in Agenda item 5.

5. Site-specific matters for the Applicant

The ExA will ask questions of the Applicant and seek updates about negotiations and matters arising from written and oral submissions including, but not limited to the locations listed below, unless they have been raised by APs and heard under Agenda item 4, or objections have been withdrawn:

- a. Location of Shipton North and Shipton South cable sealing end compounds (CSC).
- b. Access Point AP92 off the A19, whether it is to provide vehicular access or not; to resolve conflicting information in Applicant's response to RR-023 [REP1-015] response 23.2, and the CDM drawing [APP-099] Overton Substation High Level CDM Plan.
- c. Access Point AP93 at New Farm Cottages and New Farm, Work No. U4 and two alternative accesses, one from a point further north up the A19 and one from Stripe Lane.
- d. Location of Pylon SP006 (Plot B3-33).
- e. Tadcaster CSECs site and access arrangements.
- f. Clarification over undergrounding works, Work No. U7 and No. U8.
- g. Alternative routing to second 'step' of access route off AP40 through High Moor Farm stead to access overhead line in vicinity of Pylon XC479.
- h. Travellers' Site at the junction of the A1(M) with A63.
- i. Progress on the voluntary agreement with Pelagic Energy Limited in connection with Plot F1-07 at Monk Fryston Substation [REP2-038], response to ExQ1 4.6.22.

The ExA will also ask for a general update from the Applicant on:

- j. Negotiations with APs and a timetable for their conclusion.
- k. Whether the Objectors' Schedule [REP2-044] is fully up to date, whether indication of likelihood of resolution can be given and to agree a Deadline for submission of an update if required.

6. Statutory Undertakers

a. Representations from Statutory Undertakers

The ExA will hear oral representations from:

- National Highways.
The ExA will wish to understand whether National Highways' representation relates just to the Strategic Road Network (SRN) or also to plots of land along other roads.
- Any other Statutory Undertaker which has notified a wish to make oral representations at CAH1.

b. Sections 127 and 138 of PA2008 – the acquisition of statutory undertakers’ land and the extinguishment of rights and removal of apparatus of statutory undertakers

- The Applicant to provide an update to the current position on negotiations with Statutory Undertakers, including whether Protective Provisions have been agreed. (Note: details of wording of Protective Provisions will be heard at ISH3 on Friday 26 May 2023).
- The Applicant to advise whether the relevant tests for the exercise of powers pursuant to s128 and s138 PA2008 would be met in the event that agreement is not reached with all Statutory Undertakers.
- For any Statutory Undertakers present to comment on their position.

PART 3

7. Human Rights

Whether the purposes of the proposed CA and TP are legitimate and would justify interfering with the human rights of those with an interest in land affected as follows:

- a. Regard given to Articles 8 and 6 of the European Convention on Human Rights (ECHR) and Article 1 of the First Protocol.
- b. The degree of importance attributed to the existing uses of the land proposed to be acquired.
- c. The weighing of any potential infringement of ECHR rights against the potential public benefits if the dDCO is made.

8. Consideration of duties under the Equalities Act 2010

- a. The Applicant to provide a verbal update of any further inquiries and engagement with the Traveller Community following submission of its Summary of Actions and Engagement in Relation to the Traveller Community [REP2-043].

9. Funding

- a. An update on whether there is a reasonable prospect of the requisite funds becoming available to enable the CA to proceed within the statutory time period following the Order being made. Whether the Applicant has a more definitive timing in terms of the pivot from Large Onshore Transmission Investment (LOTI) to Accelerated Strategic Transmission Investment (ASTI) [REP2-038], response to ExQ1 4.7.2?
- b. Any update on the Funding Statement in terms of resource implications of both acquiring the land and implementing the Proposed Development for which the land is required.

10. Review of issues and actions arising

11. Any other business

12. Close

Purpose of the CAH

The main purpose of CAH1 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;
- for the ExA to examine whether the relevant legal and policy tests applicable to CA and TP proposals have been met;
- to fulfil the ExA's duty to hear any APs who request to be heard; and
- to address any related matters.

The agenda provided above is indicative and may be subject to change on the day. Documents within the Examination Library should be taken as read and need not be repeated in oral submissions, although signposting to key documents may assist.

The ExA recognises that other hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

Discussion at the hearing will be based on the following documents, an electronic or hard copy of which participants should have to hand:

- Book of Reference version C [REP2-016];
- Statement of Reasons [APP-069] and updated appendices [REP2-012] and [REP2-014];
- Funding statement version [APP-070];
- Land Plans [AS-005], [REP2-004(Section B)], [AS-007], [AS-008], [AS-009], [AS-010];
- draft Development Consent Order (Issue C) [REP3-004];
- Explanatory Memorandum (Issue C) [REP3-006];
- Applicant's response to ExA's written questions [REP2-038];
- Applicant's response to ExA's written questions Appendices [REP2-039], Appendix H;
- Applicant's response on Written Representations and other IPs' Deadline 2 Submissions [REP3-032];
- Applicant's Summary of Actions and Engagement in Relation to the Traveller Community [REP2-043].

Attendance

The parties requested to attend are specified on page 1 of this document. If you wish to participate in the hearing and have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 5000 or yorkshiregreen@planninginspectorate.gov.uk.

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 it using the livestream, or view and listen to the recording, after it has concluded.

If you are experiencing any COVID-19 symptoms, please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually. Please ensure that you read our [Privacy Notice](#) before attending the hearing.

Arrangements Conference

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

Procedure at Compulsory Acquisition Hearings

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. 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.

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, it may be necessary to defer some matters to written questions. The evidence presented orally at CAH1 should be included in post-hearing submissions and submitted by **Deadline 4 (Tuesday 6 June 2023)**.