

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### Hynet Carbon Dioxide Pipeline Project - Proposed Provision for the Compulsory Acquisition of Additional Land

| Regulation 6(1)  |   |                 |                  |
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| Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.                                     | Date received   | 28-day due date | Date of decision |
|  | 27 March 2023   | 24 April 2023   | 24 April 2023    |
| Regulation 6(2)  | Planning Inspectorate Comments  |                 |                  |
| Regulation 4 - Prescribed procedure for compulsory acquisition of land   |   |                 |                  |
| Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where— |   |                 |                  |
| <p>(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;</p>   | <p>In its letter dated 27 March 2023 [CR-123] (*received after working hours, on that day and actioned on Tuesday 28 March 2023), the Applicant submitted a formal Change Request seeking 18 changes. The changes sought include the compulsory acquisition of additional land. As such the Change Request is a request to include in an Order granting development consent a provision authorising the compulsory acquisition of additional land. Land beyond the current Order limits includes Plot Nos. 1-01a, 1a-01, 1a-02, 1a-03, 1a-04, 1-06a, 1-06b, 1-06c, 7-02a, 7-02b, 7-03a, 9-14a, 9-16a, 9-16b, 9-18a, 9-18b, 9-19a, 14-30a, 15-01a, 18-20a, 20-10a, 20-19a, 20-19b, 25-08, 25-09, 25-10 and 25-11.</p> <p>The Applicant's 'Notification of intent to submit a Change Request' [AS-060] indicates that the expansions to the Order limits are proposed in order to:</p> <ul style="list-style-type: none"> <li>• Respond to comments from landowners Plot Nos. 1-01a, 1a-01, 1a-02, 1a-03, 1a-04, 1-06a, 1-06b, 1-06c, 9-14a, 9-16a, 9-16b, 9-18a, 9-18b, and 9-19a</li> </ul> |                 |                  |

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|  | <ul style="list-style-type: none"> <li>• Respond to requests from landowners - Plot Nos. 7-02a, 7-02b, 7-03a, 14-30a, 15-01a, 20-10a, 20-19a, 20-19b, 25-08, 25-09, 25-10 and 25-11.</li> <li>• Response to the construction of a slurry tank – Plot No. 18-20a</li> </ul>  |
| (b) a person with an interest in the additional land does not consent to the inclusion of the provision  | In relation to the additional plots sought, the Applicant's 'Notification of Intent to Submit a Change Request' [AS-060] indicates that many of the Changes have been made in response to comments or requests made by landowners. However, no confirmation from those persons with an interest in the additional land, that they consent to the inclusion of the provision, has been provided in the Applicant's Cover letter to the Change Request or any of the documentation accompanying the request. Furthermore, there is no indication whether the landowner of additional land Plot No. 18-20a agrees to its inclusion of that additional land or not. Whilst the Applicant may be attempting to secure the rights required via voluntary agreement, it has not confirmed this will be possible. |
| <b>Summary – Regulation 4</b>  | Regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply to the Proposed Provision.  |
| <b>Regulation 5 - Proposed Provision</b>   |   |
| The applicant must send to the Secretary of State details of the proposed provision which must—  |   |
| (a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book; | <p>The Applicant's submission is made pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The submission included:</p> <ul style="list-style-type: none"> <li>• A Book of Reference [CR-022]</li> </ul>  |
| (b) be accompanied by—<br>(i) land plan identifying the land required as additional land, or affected by the proposed provision; and             | The Applicant's submission is made pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The statement accompanying that submission included:  |

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| <p>(ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.</p> | <ul style="list-style-type: none"> <li>• Land plans showing the proposed changes to the Order limits;</li> <li>• The Applicant’s document entitled ‘Covering Letter Change Request’ [CR-123] refers to detailed description of each change and their justification being provided in its ‘Notification of Intent to Submit a Change Request’ [AS-060]. Additionally, the Applicant has submitted a Statement of Reasons [CR-020] with the Change Request which addresses why rights over the Additional Land are required to be acquired in connection with the Proposed Development; and</li> <li>• The Applicant’s Statement of Reasons [CR-020] also indicates how the Proposed Development is to be funded.</li> </ul> |
| <p><b>Summary – Regulation 5</b></p>   | <p>The Book of Reference is as permitted by Regulation 5. Land Plans have been provided to identify the additional land, together with the required report (in the form of the Applicant’s Statement of Reasons), which explains how the compulsory acquisition of the additional land would be funded.</p> <p>The information provided is considered to satisfy the requirements of Regulation 5.</p>   |

**Lead member of the Examining Authority**

Christopher Butler

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*Christopher Butler*

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**Signed**

**Date:** 24 April 2023

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**Case Manager**

Jake Stephens

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*Jake Stephens*

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**Signed**

**Date:** 24 April 2023

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