

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

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

Regulation 6(1)			
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
	26 May 2023	23 June 2023	2 June 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—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	<p>In its letter dated 26 May 2023 [CR2-016] (received after working hours, on that day and actioned on Tuesday 30 May 2023), the Applicant submitted a formal Change Request seeking two changes. The changes sought include the compulsory acquisition of additional land, as well as on a different Plot no. seek to change the nature of the compulsory acquisition sought (sub-surface interests only to full acquisition of land). As such the Change Request seeks to include in an Order granting development consent a provision authorising the compulsory acquisition of additional land and, in relation to a different Plot no. seeks to change the nature of the compulsory acquisition sought. Land beyond the current Order limits includes: Plot Nos. 16-06a; 16-07; and 16-08. Land where the nature of the compulsory acquisition sought changes includes Plot No. 19-04d.</p> <p>The Applicant’s ‘Notification of intent to submit a Change Request’ [AS-066] indicating that the changes have <i>“been prepared to respond to ongoing consultation with landowners and Interested Parties.”</i> The Applicant has also indicated it <i>“...anticipates the</i></p>		

	<p><i>Infrastructure Planning (Compulsory Acquisition) Regulations 2010 Regulation 4 will apply to the changes sought and consultation under those regulations will be required.</i></p> <p>New ownership interests are affected by Change 2 in regard to Plot Nos. 16-06a; 16-07; and 16-08, whilst Change 1 has the potential increase in interference with landowners' rights in regard to Plot No. 19-04d.</p>
<p>(b) a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>In relation to the additional plots sought, the Applicant's 'Notification of Intent to Submit a Change Request (2)' [AS-066] indicates that the Changes have "been prepared to <i>respond to ongoing consultation with landowners and Interested Parties.</i>" However, no confirmation from those persons with an interest in the additional land (including those affected persons where there is a potential increase in interference with landowners' rights), that they consent to the inclusion of the provision, has been provided in the Applicant's Cover letter to the Change Request (2) or any of the documentation accompanying the request. Furthermore, there is no indication whether the landowner of additional land Plot Nos. 16-06a; 16-07; or 16-08 agrees to the 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.</p>
<p>Summary – Regulation 4</p>	<p>Regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply to the Proposed Provision.</p>
<p>Regulation 5 - Proposed Provision</p>	
<p>The applicant must send to the Secretary of State details of the proposed provision which must—</p>	
<p>(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>	<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"> • A Book of Reference [CR2-013].
<p>(b) be accompanied by—</p> <ul style="list-style-type: none"> (i) land plan identifying the land required as additional land, or affected by the proposed provision; and (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>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:</p> <ul style="list-style-type: none"> • Land plans showing the proposed changes to the Order limits [CR2-004]; • The Applicant’s document entitled ‘Change Request 2 Cover Letter’ [CR2-016] refers to detailed description of each change and their justification being provided in its ‘Notification of Intent to Submit a Change Request (2)’ [AS-066]. Additionally, the Applicant has submitted a Statement of Reasons [CR2-011] with the Change Request which addresses why rights over the Additional Land are required to be acquired in connection with the Proposed Development; and • The Applicant’s Statement of Reasons [CR2-011] also indicates how the Proposed Development is to be funded.
<p>Summary – Regulation 5</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. The information provided is considered to satisfy the requirements of Regulation 5.</p>

Lead member of the Examining Authority

Christopher Butler

Signed

Christopher Butler

Date:

2 June 2023

Case Manager

Jake Stephens

Signed

Jake Stephens

Date:

2 June 2023