

**Application by Medworth CHP Ltd for an Order Granting Development Consent for the Medworth Energy from Waste Combined Heat and Power Facility**

**Agenda for Compulsory Acquisition Hearing (CAH1) dealing with matters relating to Compulsory Acquisition (CA) and Temporary Possession (TP):**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Compulsory Acquisition Hearing (CAH1) on the Applicant's overall case for Compulsory Acquisition and Temporary Possession</b>	<p><b>Thursday</b>  <b>13 April 2023</b>  <b>Hearing Starts at 10:00</b></p> <p>Seating available at venue from 09:00 and virtual Arrangements Conference from 09:00</p>	<p>The Boathouse Business Centre, 1 Harbour Square, Wisbech PE13 3BH</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

**Agenda**

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of the CAH**

A Compulsory Acquisition Hearing (CAH) is being held to:

- ensure adequate examination of the provisions within the dDCO seeing to authorise then CA of land and/ or rights over land;
- assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met;
- assess whether there is a compelling case in the public interest for the land to be acquired compulsory; and
- To discharge the ExA's duty to hear persons affected by CA and TP proposals (Affected Persons (APs)) who request to be heard.

The ExA will highlight that the purpose of this Hearing is to examine the Applicant's overall case in relation to CA and TP. The ExA will not engage in a site-specific debate as this will be addressed at CAH2.

- 3. The Applicant's case for CA and TP**

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

- How the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s.122, s123, s127, s132 and s138) and Department for Communities and Local Government guidance related to CA would be met.
- Identification of the powers sought and their purpose.
- The Applicant's strategy and criteria for determining whether to seek powers for CA of land, CA of rights or TP of land.
- Consideration of alternatives to CA and /or TP of land, including existing properties along New Bridge Lane.
- Human rights considerations.
- To consider the structure and content of the Book of Reference [REP2-004] and [REP2-005], particularly in relation to changes carried out following Relevant Representations (RRs) received by businesses and Affected Parties (APs) along Algores Way.

The ExA will invite submissions from Affected Persons (AP) who wish to raise general matters in relation to the Applicant's case for CA and TP. However, site and plot specific submissions will be reserved for CAH2, Thursday 13 April 2023, at 2:00PM.

#### **4. Statutory Undertakers**

The ExA will ask the Applicant to provide an update on the status of negotiations with relevant statutory undertakers [REP2-022] including, but not limited to:

- Network Rail Infrastructure Limited, particularly in relation to the draft Heads of Terms as set out in Table 2.1. Status of Negotiations of the Statement of Reasons [REP2-022];
- Anglian Water Services Limited (Anglian Water);
- National Highways;
- Hundred of Wisbech Internal Drainage Board;
- King's Lynn Internal Drainage Board.

Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA. If the Statutory Undertakers' objection or issue relates to a specific site, then the ExA will ask for plot specific submissions to be reserved for CAH2, Thursday 13 April 2023, at 2:00PM.

The ExA may ask questions of the Statutory Undertaker or other relevant body, and the Applicant, about matters arising from written and oral submissions.

## **5. Funding**

The ExA will ask the Applicant to briefly summarise, and advise of any updates to, the Funding Statement.

The ExA will ask questions around funding matters.

## **6. Review of issues and actions arising**

## **7. Any other business**

## **8. Closure of the Hearing**

### **Attendees**

All APs are invited to attend the CAH and each AP is entitled to make oral representations at the CAH. However, this is subject to the ExA's power to control the Hearing. Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The ExA would find it helpful if the following parties could attend this Hearing:

- the Applicant;
- Any Affected Person, who wishes to discuss CA and/ or TP matters;
- Fenland District Council;
- Statutory Undertakers.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing who has not already advised in person, who has not already advised the Case Team of this, should do so as soon as possible.

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

### **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 CAH**

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. Cross questioning of a 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 an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. 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 or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The 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 a hearing does not preclude further examination of this issue, including the asking of further written questions.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: [medworth@planninginspectorate.gov.uk](mailto:medworth@planninginspectorate.gov.uk)

Tel: 0303 444 5000