

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 (CAH3) dealing with matters relating to Compulsory Acquisition (CA) and Temporary Possession (TP):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing (CAH3) on site/plot specific issues and change request	<p>Thursday 29 June 2023</p> <p>Hearing Starts at 2:00pm</p> <p>Seating available at venue and virtual Arrangements Conference from 1:00 pm</p>	<p>The Boathouse Business Centre, 1 Harbour Square, Wisbech PE13 3BH</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.</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 draft Development Consent Order (dDCO) seeking to authorise the 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 compulsorily; and
- To discharge the ExA's duty to hear persons affected by CA and TP proposals (Affected Persons (APs)) who request to be heard.

This discussion will be informed by written submissions received up to this point of the Examination. However, due to the short timeframe between the issuing of this Agenda and Deadline 5, issues or comments submitted to the ExA at Deadline 5 may not be completely reflected on the Agenda. The ExA will, nevertheless, endeavour to review all the information received and pertinent to any hearing prior to the hearing being held.

The hearing will particularly focus on, but will not be limited to:

- Land Plan Rev 4 [REP3-003];
- Works Plan Rev 2 [REP3-004];
- dDCO Rev 3 (tracked) [REP3-006] and (clean) [REP3-007];
- Book of Reference Rev 5 (tracked) [REP3-008] and (clean) [REP3-009];
- Schedule of Changes to the Book of Reference [REP3-032];
- Compulsory Acquisition Schedule [REP4-013];
- Lesley Morton Deadline 4 Submission [REP4-046];
- The Statement of Commonality of Statements of Common Ground Rev 4 [REP4-012]

In relation to the change request:

- Land Plan Rev 4A [AS-019];
- dDCO Rev 3A (tracked) [AS-024] and (clean) [AS-025];
- Change Application Report Rev 1 [AS-028];
- Schedule of Changes – Change Application Rev 1 [AS-030]
- Procedural decision following request to make changes to the application [PD-016];

3. Site specific issues for the Applicant

The ExA will ask the Applicant to provide a brief update on the progress of negotiations with Affected Person's (APs) and the timetable for their conclusion.

The ExA will ask questions of the Applicant about matters arising from written and oral submissions, including [REP4-046] and how the Applicant proposes parties with an interest in 10 New Bridge Lane are reflected in the Book of Reference.

With no prejudice to the ExA's position in relation to the request submitted by the Applicant to make changes to the proposal, the ExA may also ask the Applicant to explain the need for the proposed changes and to confirm its position in relation to compulsory acquisition. The ExA then may raise questions with the Applicant in relation to non-statutory consultation (if the Applicant decide to carry this out) as per ExA's procedural decision following request to make changes to the application [PD-016].

4. Site specific representations by APs

The ExA will ask APs to briefly set out any outstanding concerns in relation to CA and/ or TP for the land which they own and/ or occupy that have not been addressed by the Applicant.

The ExA may ask questions of APs about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

5. Site Specific issues from Statutory Undertakers

The ExA will ask Statutory Undertakers, particularly Network Rail and National Highways, to briefly set out any outstanding concerns in relation to CA and/ or TP for the land which they own and/ or occupy that have not been addressed by the Applicant.

The ExA may ask questions of Statutory Undertakers about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

6. Review of issues and actions arising

7. Any other business

8. Closure of the Hearing

Closing

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/ TP matters;
- Statutory Undertakers, particularly National Highways.

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 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

Tel: 0303 444 5000