



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

**Application by Highways England for an order granting development consent for the proposed M20 Junction 10a (TR010006)**

**Supplemental questions to inform Compulsory Acquisition Hearing at 10:00am on Thursday 23 February 2017**

## **Hearing process**

The hearing will refer to the Compulsory Acquisition Negotiations Status Report (REP3-016) supplied by the Applicant at Deadline 3.

For each plot reference, the ExA will invite a brief statement of the current position from the Applicant (Highways England), followed by statements from the other Interested Party(ies) with an interest in that plot.

The purpose of the hearing is to identify matters agreed, matters not agreed, and discussions ongoing. The ExA will ask questions as necessary.

## **Supplemental questions**

The Examining Authority has provided the following questions for consideration by Interested Parties in advance of the Compulsory Acquisition Hearing.

**Compulsory Acquisition and other land matters – questions arising from responses to the Examining Authority’s (ExA) first written questions (FWQs)**

1. **Plot 3/17/a Registered Proprietor.** Re. the ExA’s FWQ Q21.3 (PD-008) and the Applicant’s response (REP3-021):
  - i. Can the Applicant confirm the exact name of the registered proprietor shown on title K566575 – is it Highways England Company or Highways England Company Limited as detailed in the Book of Reference (BoR)?
2. **Plot 3/17/a.** Re. the ExA’s FWQ Q21.4 (PD-008) and the Applicant’s response (REP3-021):
  - i. If the Applicant knows that the land in plot 3/17/a is subject to rights contained in a Deed of Grant, why are the owners of those rights not named as Category 2 persons in the BoR?
  - ii. Has the Applicant consulted the owners of those rights about the application? If not, why not?
  - iii. Did the Applicant notify the owners of those rights about the acceptance of the application, under section 56(2)(d) of the Planning Act 2008? If not, why not?
3. **Plot 3/16/f.** Re the ExA’s FWQ Q 21.6 (PD-008) and the Applicant’s response (REP3-021):
  - i. The Applicant states that *“Plot 3/16/f should be deleted from Part 3 of the BoR as powers of compulsory acquisition are not sought over this land”*. Can the Applicant state when a revised BoR reflecting this amendment (and others) will be submitted to the Examination?
4. **Stour Park Planning Permission.** Re. the ExA’s FWQ Q21.8 (PD-008) and the Applicant’s response (REP3-021):
  - i. The Applicant’s response contains a link to an Ashford Borough Council web page for which access is denied. Would the Applicant provide a copy of the document(s) to which the Applicant intended to refer?
5. **Open Space Report – point of clarity and statutory test.** Re. the ExA’s FWQ Q21.9 (PD-008) and the Applicant’s response (REP3-021):
  - i. The Applicant refers to paragraph 8 of the September 2013 guidance. For clarity, can the Applicant confirm that its intention was to refer to **Annex A** to the 2013 Guidance?
  - ii. With regard to the open space land and the proposed replacement land, would Ashford Borough Council (ABC) comment on the application of the statutory test that the replacement land should be no less advantageous than that which it replaces?

- iii. Since the proposed replacement land is stated to be privately owned, would the Applicant state how ABC's rights to the land would be secured through the dDCO?
6. **Open Space Report - Access.** Re. the ExA's FWQ Q21.10 (PD-008) and the Applicant's response (REP3-021):
- i. Can ABC confirm the access to the existing open space land, as stated by the Applicant?
7. **Assessment of Compulsory Acquisition alternatives.** Re. the ExA's FWQ Q21.11 (PD-008) and the Applicant's response (REP3-021):
- i. Since the Applicant's response does not really address the questions asked in Q21.11, would the Applicant please do so now?
8. **Extent of interference.** Re. the ExA's FWQ Q21.12 (PD-008) and the Applicant's response (REP3-021):
- i. Would the Applicant demonstrate how the extent of interference has been minimised?
9. **Statutory Undertakers and operators of electronic communication networks.** Re. the ExA's FWQ Q21.16 (PD-008) and the Applicant's response (REP3-021):
- i. The Applicant has responded with regard to Statutory Undertakers, but would the Applicant also respond in relation to operators of electronic communication networks?
  - ii. What is the status with regard to protective provisions for Statutory Undertakers and operators of electronic communication networks?