

A63 CASTLE STREET IMPROVEMENT SCHEME

COMPULSORY ACQUISITION HEARING

18 JULY 2019 AT 2:00PM

THE DOUBLETREE BY HILTON, HULL

1 Introduction

1.1 This document summarises the case put forward by Highways England (the Applicant) at the Compulsory Acquisition Hearing 2 (CAH 2) which took place at the DoubleTree by Hilton, Hull on 18 July 2019 at 2pm.

1.2 In what follows are the Applicant's submissions on the points raised under agenda items 2, 3, 4, 5 and 6 as set out in the Examining Authority's (ExA) agenda published on the Planning Inspectorate's website on 11 July 2019.

1.3 The following members of the Applicant's team spoke during this CAH:

- Stephen Whale, Counsel to the Applicant (**SW**)
- James Leeming, Senior Project Manager, Highways England (**JDL**)

2 Agenda Item 2 – Parties affected by provisions in the dDCO

2.1 **JDL** confirmed the Applicant will maintain discussions with Epic no.2 to go through the detail of the Heads of Terms. The Applicant will share examples of acceptable hoarding designs with Epic no.2.

3 Agenda Item 3 – Review of Compulsory Acquisition negotiations and objections

3.1 **SW** provided an update on the progress of negotiations with objecting parties. **SW** confirmed negotiations are continuing with the affected land owners, and the Applicant is trying to resolve all issues.

4 Agenda Item 4 – Public open space

4.1 **SW** provided an update on Trinity Burial Ground replacement land matter.

4.2 **SW** gave reference to Section 131 of the Planning Act regarding the definition of public open space. **SW** confirmed the Applicant is proceeding on the premise that the land in question at Trinity Burial Ground is classified as open space. However, BDB Pitmans would like to understand if there is any case law that may have a bearing on whether disused burial grounds are defined as public open space.

- 4.3 **SW** advised discussions have taken place with the Diocese since the previous hearing, and the Diocese is amenable to the Applicant acquiring the land at Trinity Burial Ground by agreement without the need for any offset replacement land. **SW** confirmed the next meeting between the Applicant and the Diocese is scheduled for Thursday 25 July 2019. The Applicant will provide the ExA with an update on progress with the Diocese at Deadline 5.
- 4.4 **SW** explained that on the premise that Trinity Burial Ground is open space, the implications of Section 131 of the Planning Act suggest Special Parliamentary Procedure (SPP) would be triggered. However, if the land is acquired by agreement and agreement is reached and signed before the end of the DCO examination period, there are two possibilities. One possibility is that the DCO still includes this land as a plot for which compulsory acquisition is authorised and the SPP may be required. Alternatively, the plots could be removed from the DCO, not authorising the compulsory acquisition of these plots. In this case, SPP would not be required. It is the Applicant's intention that the plots would be removed from the DCO in order to avoid triggering SPP.
- 4.5 **SW** confirmed the provision of the public open space at the Myton Centre will be unaffected by any of the discussions with the Diocese.

5 Agenda Item 5 – Crown land

- 5.1 **SW** provided an update on the Crown Land situation. **SW** confirmed BDB Pitmans is in the process of attempting to identify the owner of a particular piece of land and is continuing to do all possible to gain the identity of this landowner.

6 Agenda Item 6 – Any other relevant matters

- 6.1 No other relevant matters were raised at the Compulsory Acquisition Hearing.