



Planning Act 2008 – section 92

Application by Suffolk County Council for an Order Granting Development Consent for the Lake Lothing Third Crossing

Agenda for Compulsory Acquisition Hearing 1

The Examining Authority (ExA) notified Interested Parties in its letter dated 14 January 2019 of the decision to hold a Compulsory Acquisition Hearing as follows:

Hearing	Date and time	Location
Compulsory Acquisition Hearing 1	Wednesday 13 February 2019 Seating available from 1.30pm. The hearing will start at 2.00pm .	Ivy House Hotel, Ivy Lane, Oulton Broad, Lowestoft NR33 8HY

Purpose of this Compulsory Acquisition Hearing

1. To consider the Compulsory Acquisition and related provisions within the draft Development Consent Order (dDCO);
2. To consider whether the conditions relating to the land being required for the Proposed Development or required to facilitate or be incidental to the Proposed Development are met; and
3. To consider whether there is a compelling case in the public interest for the Compulsory Acquisition provisions.

Attendees

The ExA anticipates the following parties will attend this hearing:

- Suffolk County Council (the Applicant)
- Waveney District Council
- Associated British Ports
- Howes Percival LLP (for Hitech Grand Prix Ltd; Lift Truck Rentals Ltd; Nexen Lift Trucks Ltd; Oakes Recruitment Ltd; Overseas Interests Inc; Team Oakes Ltd and Waveney Fork Trucks Ltd)
- Lings Motor Group
- Lowestoft Cruising Club
- Nwes
- Carter Jonas LLP (for Cara Robinson)
- Shakespeare Martineau (for Cadent Gas Ltd)

- Bryan Cave Leighton Paisner (for Northumbrian Water Ltd)
- Squire Patton Boggs (for Statuslist Ltd)
- Arrow Group Global Ltd
- BS Pension Fund Trustee Ltd
- Any other persons with land and/or interests which are or may be affected by the Proposed Development

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. However, the information set out below is indicative and the ExA may find it necessary to include additional agenda items or to vary the order in which the items are dealt with.

The documents referred to during the hearing will be the most recent versions. References in square brackets are the unique document reference numbers in the Examination Library. The Examination Library is published on the project webpage on the National Infrastructure Planning website, here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010023/TR010023-000447-Examination%20Library%20-%20PDF%20Version.pdf>

Reference will also be made to:

- The Planning Act 2008 (PA2008);
- The Infrastructure Planning (Compulsory Acquisition) Regulations 2010;
- DCLG guidance related to procedures for the compulsory acquisition of land (DCLG, September 2013);
- DCLG guidance for the examination of applications for development consent (DCLG, March 2015); and
- Planning Inspectorate 'Advice Note Sixteen: How to request a change which may be material'.

AGENDA

1. Welcome, introductions and arrangements for the hearing

2. Purpose of the hearing

3. dDCO provisions [REP4-007]

- a) The Applicant to set out briefly which Articles engage Compulsory Acquisition and Temporary Possession powers.
- b) The Applicant to set out briefly whether Protective Provisions are in a satisfactory form that is agreed with the relevant parties.
- c) The Applicant to summarise any other provisions in the dDCO relating to Compulsory Acquisition and Temporary Possession.

4. Statutory conditions and general principles

- a) The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the PA2008.
- b) The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers are sought comply with section 122(2) of the PA2008.
- c) The Applicant to state whether and how consideration has been given to all reasonable alternatives to Compulsory Acquisition and Temporary Possession.
- d) The Applicant to state whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate.
- e) The Applicant to state whether and how, in accordance with s122(3) of the PA2008, there is a compelling case in the public interest for the Compulsory Acquisition, both in relation to the need in the public interest for the Proposed Development to be carried out and in respect of the private loss to those affected.

5. Review of the Compulsory Acquisition Negotiations and Objections Tracker [REP3-034] and related matters

- a) The Applicant to summarise outstanding objections and progress with negotiations on alternatives to Compulsory Acquisition.
- b) The Applicant to summarise any proposed changes to the extent of the Order lands.

6. Other parties who may be affected by provisions in the dDCO

The ExA will invite oral representations from:

- a) Affected Persons who have notified a wish to make oral representations.
- b) Other Affected Persons.

- c) Persons whose land or rights are not proposed to be acquired compulsorily but who may be affected and able to make a relevant claim.
- d) Any section 102 parties or Category 3 interests.

7. Impacts on other land and interests

- a) Temporary use of land.
- b) Any other matters not already covered.

8. Update on land acquisition associated with requested changes to the application [REP4-013]

- a) Applicant to advise on status of current negotiations.
- b) Other parties' opportunity to comment.

9. Funding

- a) Any further updates to the Funding Statement [APP-008].
- b) Guarantee or alternative form of security.

10. Statutory Undertakers

- a) The Applicant to set out the current position in respect of representations made and whether there are any remaining which have not been withdrawn.
- b) Associated British Ports.
- c) Network Rail (East Suffolk Line).
- d) The Applicant to set out any other outstanding matters.

11. Crown land

The Applicant to provide an update on discussions with The Crown Estate

12. Public open space

The Applicant to state whether and how the requirements of s132(3) of the PA2008 are met.

13. Human rights and Public Sector Equality Duty (PSED)

- a) Article 1 of the First Protocol to the European Convention on Human Rights (ECHR).
- b) Article 6 of the ECHR
- c) Article 8 of the ECHR.

- d) The degree of importance to be attributed to the existing uses of the land which is to be acquired.
- e) The weighing of any potential loss of ECHR rights against the public benefit if the Order is made.
- f) PSED.

14. Any other relevant business

15. Closing remarks