

A19 Downhill Lane Junction Improvement Agenda for Compulsory Acquisition Hearing 1 (CAH1)

Date: 17 October 2019
Time: 10.00am, room opens from 9.30am
Venue: **George Washington Hotel,**
Stone Cellar Road,
High Unsworth,
Washington,
Newcastle upon Tyne
NE37 1PH

Access and Parking: Free parking available on site

Purpose of the Compulsory Acquisition Hearing (CAH1)

The Compulsory Acquisition Hearing 1 (CAH1) is being held for the following purposes:

- To enable the Examining Authority (ExA) to inquire into the Applicant's case to Compulsorily Acquire (CA) land or rights over land and/ or to take Temporary Possession (TP) of land.
- To discharge the ExA's duty to hear persons affected by CA and TP proposals (Affected Persons (APs)) who request to be heard.
- To enable the ExA to consider whether relevant legal and policy test applicable to CA and TP proposals have been met.

Participation, conduct and management of hearing

This is the first of two CAHs proposed to be held in this Examination.

Provision has been made for a second CAH (CAH2) to be held on 11 December 2019. Please note that CAH2 will only proceed if it is required. If all necessary oral process investigations are completed before that time, CAH2 will not proceed. If CAH2 does proceed, it is likely to enable only supplementary questions to be asked by the ExA. It will not re-examine the Applicant's CA and TP case. For these reasons, it is important that any AP with outstanding objections to CA and/ or TP proposals who wishes to be heard should attend this hearing.

The Applicant and any APs with outstanding objections to CA and or TP proposals are entitled to be heard.

The business of a CAH is limited to the effects of CA and TP and to participation by the Applicant and APs. Oral submissions on other subject matters or from persons who are not APs will not be heard. Any such issues must be brought to another hearing: either an Issue Specific Hearing (ISH) where the issue sought to be raised is relevant to the purpose of and agenda for the hearing, or to the Open Floor Hearing (OFH) where APs may raise any relevant and important matter.

Participation is subject to the ExA's power to control the hearing.

Invited Participants

The Applicant and APs who wish to make oral representations are invited to attend at the appointed start time of 10.00am.

The Applicant

The ExA requests that Highways England (the Applicant) attends the hearing. The Applicant will be asked to present its own case for CA and TP. It may be asked by or through the ExA to address questions raised by APs and will be provided with an opportunity to respond to APs' written and oral cases.

CA and/ or TP Objectors

- Hellens Land Ltd
- IAMP LLP
- Pinsent Masons LLP
- Town End Farm Partnership

At present, there are no requests to be heard from Statutory Undertakers or other relevant bodies. However, the ExA will endeavour to accommodate further requests to be heard from such bodies if these are made.

Hearing Guidance

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and APs may attend with expert advisers relevant to land and rights matters (including solicitors, chartered surveyors and land agents), but APs may participate without expert advice if they wish.

Guidance under the PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the 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 a person has had a fair chance to put their case.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions Relevant Representations and Written Representations and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

Agenda

1. Welcome, introductions and arrangements for this Compulsory Acquisition Hearing (CAH1)

2. The Applicant's case for CA and TP

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

- a) To review the statutory and policy tests relevant to CA and/ or TP under the PA2008 and DCLG Guidance.
- b) To review human rights considerations.
- c) To consider the structure and content of the Book of Reference.
- d) To consider the structure and content of the Funding Statement.
- e) To consider the structure and content of the Statement of Reasons.

The ExA will invite submissions from APs who wish to raise matters of general application in relation to these items, but site-specific submissions will be reserved to agenda items 3 and 4.

The Applicant will be provided with a right of reply.

3. Site-specific issues

The ExA will ask questions of the following about the implications of CA and/ or TP for the land which they own and/ or occupy:

- Hellens Land Ltd
- IAMP LLP
- Pinsent Masons LLP
- Town End Farm Partnership

The Applicant will be provided with a right of reply.

4. Site-specific representations by any other APs in attendance

Any AP in attendance and wishing to speak in relation to an objection to CA and/ or TP proposals will be invited to put oral submissions to the ExA.

The ExA may ask questions of the AP and the Applicant about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

5. Statutory Undertakers Land Issues

The ExA will review the Applicant's conclusions in its advice on the status of objections from or issues raised by Statutory Undertakers or in relation to any other land the status of which is protected under PA2008 (sections 127 to 134 inclusive).

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.

The ExA may ask questions of the Statutory Undertaker or other relevant body and the Applicant 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

The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in this hearing.

7. Next steps

8. Closure of the hearing