

Planning Act 2008 – section 92

Application by Highways England for an Order Granting Development Consent for the A303 Amesbury to Berwick Down

Agenda for Compulsory Acquisition Hearing 1

The Examining Authority (ExA) notified Interested Parties (IPs) in its letter dated 7 May 2019 of the decision to hold a two-day Compulsory Acquisition Hearing (CAH) on the following dates:

Hearing	Date and time	Location
Compulsory Acquisition Hearing 1	9 July 2019 and 10 July 2019 10.00am (seating available from 9.30am)	City Hall, Malthouse Lane, Salisbury, SP2 7TU

Participation, conduct and management of hearing

The CAH is being held to ensure adequate examination of the provisions within the draft Development Consent Order (dDCO) seeking to authorise the Compulsory Acquisition of land and/ or rights over land and to 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 and whether there is a compelling case in the public interest for the land to be acquired compulsorily.

All Interested Parties are welcome to attend the hearing. However, Affected Persons (AP) whose land interests are affected under Compulsory Acquisition proposals are specifically invited to attend. APs have the entitlement to speak at this hearing and will be invited to do so. The following APs in particular are invited to attend and participate in this hearing:

- Wiltshire Council;
- The National Trust;
- English Heritage;
- The National Farmers' Union;
- Howard Smith on behalf of various landowners including West Amesbury Farms; PJ Rowland & Sons (Farmers) Ltd; Mr C A Rowland; Mr Stephen Moore; Mrs P M Sandell; Mr Philip Sawkill; Mr Robin Parsons and Mr F and Mrs L Whiting;
- Waves Training Solutions, F W G Whiting and LS Whiting;
- Fowler Fortescue on behalf of the Turner family and the Stratton Family;



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- Countryside Solutions on behalf of various landowners including Morrison and King Ltd; Beacon Hill Land Ltd and Mrs K E Crook;
- Rachel Hosier on behalf of M & R Hosier;
- PFA Consulting on behalf of The Amesbury Property Company Ltd and Class Maxi Ltd;
- Carter Jonas on behalf of Travelodge Hotels Ltd; and
- Esso Petroleum.

The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

Breaks will be taken during the hearing as directed by the ExA.

This 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 through a further round of Written Questions should the ExA consider this to be valuable and necessary.

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting.

The ExA recognise that other hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000484-Stonehenge%20-%20Examination%20Library%20Template.pdf>



AGENDA

- 1. OPENING REMARKS BY THE EXAMINING AUTHORITY**
- 2. INTRODUCTIONS**
- 3. THE BOOK OF REFERENCE**
 - 3.1** Whether the updated Book of Reference [REP2-007] is now accurate and complete.
- 4. THE STATUTORY CONDITIONS AND GENERAL PRINCIPLES APPLICATION TO EXERCISE POWERS OF COMPULSORY ACQUISITION**
 - 4.1** Whether the purpose for which Compulsory Acquisition powers are sought would comply with section 122(2) of the Planning Act 2009 (PA2008).
 - 4.2** Whether all reasonable alternatives to Compulsory Acquisition have been explored including modifications to the scheme.
 - 4.3** Whether the Secretary of State could be satisfied that the land proposed to be acquired is no more than is reasonably necessary for the purposes of the Proposed Development.
 - 4.4** Whether having regard to section 122(3) of the PA2008 there is a compelling case in the public interest for the land to be acquired compulsorily and the public benefit would outweigh the private loss.
- 5. WHETHER THERE IS A REASONABLE PROSPECT OF THE REQUISITE FUNDS BECOMING AVAILABLE**
 - 5.1** The resource implications of both acquiring the land and implementing the project for which the land is required.
 - 5.2** Whether adequate funding is likely to be available to enable the Compulsory Acquisition to proceed within the statutory period following the dDCO being made.
 - 5.3** Whether the resource implications of a possible acquisition resulting from a blight notice have been taken into account.
- 6. WHETHER THE PURPOSES OF THE PROPOSED COMPULSORY ACQUISITION ARE LEGITIMATE AND WOULD JUSTIFY INTERFERING WITH THE HUMAN RIGHTS OF THOSE WITH INTEREST IN THE LAND AFFECTED**
 - 6.1** What regard has been had to Articles 8 and 6 of the European Convention on Human Rights (ECHR) and Article 1 of the First Protocol?
 - 6.2** The degree of importance attributed to the existing uses of the land proposed to be acquired.



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6.3 The weighing of any potential infringement of ECHR rights against the potential public benefits if the dDCO is made.

7. CONSIDERATION OF DUTIES UNDER THE EQUALITY ACT 2010

8. REPRESENTATIONS FROM PARTIES WHO MAY BE AFFECTED BY THE COMPULSORY ACQUISITION PROVISIONS IN THE dDCO

The ExA will invite oral representations from:

8.1 Affected Persons who have notified a wish to make oral representations.

8.2 Other Affected Persons wishing to make oral representations.

8.3 Persons whose land or rights are not proposed to be acquired compulsorily but who may be affected and able to make a relevant claim.

9. SECTIONS 127 AND 138 OF THE PA2008 – THE ACQUISITION OF STATUTORY UNDERTAKER’S LAND AND THE EXTINGUISHMENT OF RIGHTS AND REMOVAL OF APPARATUS OF STATUTORY UNDERTAKERS

9.1 The Applicant to set out the current position in relation to negotiations with Statutory Undertakers.

9.2 Whether Protective Provisions have been agreed with all Statutory Undertakers.

10. ESSO PETROLEUM

10.1 The Applicant to provide an update on the status of negotiations with Esso Petroleum and whether Protective Provisions have been agreed.

11. SECTION 130 OF THE PA2008 – NATIONAL TRUST LAND

11.1 The Applicant and The National Trust to provide an update on the status of their discussions.

11.2 Whether agreement has been reached that would avoid the need for the dDCO to be subject to Special Parliamentary Procedure.

12. SECTIONS 131 AND 132 OF THE PA2008 – OPEN SPACE, COMPULSORY ACQUISITION OF LAND AND RIGHTS OVER LAND

12.1 Whether the replacement land proposed to be provided in exchange for the open space would be suitable and is no more than is reasonably necessary for that purpose.

12.2 In relation to the acquisition of rights over such land, whether the land when burdened with the rights would be no less advantageous than it was before.



13. SECTION 135 OF THE PA2008 – CROWN LAND

13.1 The Applicant to provide an update on the position in relation to Crown Land and indicate whether all necessary consents have been secured.

14. ANY OTHER MATTERS

15. CLOSE OF HEARING