



Agenda

Title of meeting	A30 Chiverton to Carland Cross Issue Specific Hearing into draft Development Consent Order (ISH2)
Date	Wednesday 3 April 2019
Time	9.30am (open) for 10.00am
Venue	Old Bakery Studios, Blewett's Wharf, Malpas Road, Truro, TR1 1QH
Attendees	Invitees

Purpose of the Issue Specific Hearing

The ExA will examine the draft Development Consent Order (dDCO) within the framework of the matters set out below to consider:

- i. how the draft responds to the project definition;
- ii. the approach taken in the draft to principal, associated and ancillary development;
- iii. the relationship between the dDCO and recently made Orders for similar highway proposals;
- iv. the justification for any innovative approaches and changes from established practice;
- v. the need for changes to other legislative provisions, ensuring that these are clear and are not unduly reductive of other persons' rights;
- vi. whether policy tests for planning conditions relevant to requirements are met;
- vii. the need for protective provisions and the scope for changes to the current draft to respond to negotiations in progress;
- viii. the need for any commercial agreements, planning obligations or equivalent side provisions and progress towards these; and
- ix. the need for Crown, statutory undertaker and any other consents.

Technical drafting considerations relating to compulsory acquisition (CA) and the temporary possession (TP) of land will be examined, but individual affected persons (APs) concerns about their land and rights will not be examined. These matters may be discussed at the Compulsory Acquisition Hearing scheduled for the afternoon of Wednesday 3 April 2019.

Participation, conduct and management of hearing

The hearing on the dDCO is held without prejudice to the ExA's consideration of the broader planning merits of the Application.

All IPs are invited to attend the hearing. Each IP is entitled to make oral representations at the hearing, subject to the ExA's power to control the hearing.

The ExA requests that the following attendees participate in ISH2 into the dDCO:

- Highways England (the Applicant)
- Cornwall Council (CC)
- National Farmers Union (NFU)
- Any other IPs with an interest in the drafting of the DCO; implementation or discharge of proposed articles, requirements or other provisions; seeking protective provisions or any related side agreements.

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 IPs may consider attending with the following expert advisers, but IPs may participate without expert advice:

- Engineers and project managers, responsible for project design and delivery;
- Lawyers engaged in statutory drafting, planning and environmental law; and
- Town Planners or Surveyors engaged in the negotiation of requirements and agreements relating to the use and development of land.

Guidance under the Planning Act 2008 (PA 2008)¹ 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 hearing will run until all IPs have made their representations and responded to the ExA's exploration of the matters in accordance with the agenda set.

Please note that the following agenda is indicative and may be amended by the ExA. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of enquiry during the discussion which are not on the agenda.

¹ DCLG: 'Planning Act 2008: Guidance for the examination of applications for development consent', March 2015.

<https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>



Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing

2. Changes to the submitted dDCO

The ExA will ask the Applicant:

- a) to introduce the proposed changes to the submitted draft DCO, Revision C [REP2-012 and associated documents]; and
- b) to identify in outline what the changes are proposed to achieve.

Views from the Applicant and IPs about the procedural implications of any proposed changes will be sought.

3. Discharge of requirements and conditions, appeals and disputes

The ExA will ask IPs, particularly the agencies, Cornwall Council and the NFU whether they have any significant concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

4. Specific issues and questions bearing on the dDCO

5. 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 to the examination of the dDCO and any changes to it, in the light of issues raised in this hearing.

6. Next steps

7. Close