

## **Application by Highways England for an Order Granting Development Consent for the M25 Junction 10 / A3 Wisley Interchange**

### **Agenda for Compulsory Acquisition Hearing 1 (CAH1) Session 1**

**Date:** **Tuesday 16 June 2020**

**Hearing Commences:** **10.00**  
**Arrangements Conference from 09.30**

**Venue:** Online and by telephone, with subsequent publication of a video and audio recording to the National Infrastructure Planning Website  
<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-10a3-wisley-interchange-improvement/?ipcsection=overview>

### **Purpose of the Hearing**

This hearing is for the following purposes:

- To enable the Examining Authority (ExA) to inquire into the Applicant's general case for Compulsory Acquisition (CA) and Temporary Possession (TP) of land.
- To enable the ExA to consider whether relevant legal and policy tests applicable to the proposed CA and TP of land have been met.

It should be noted that during Session 2 Parts 1 to 6 of CAH1 the ExA will hear site specific objections to the Applicant's proposed CA and TP of land and the Applicant will be provided with the opportunity to respond to those objections.

### **Your Participation in the Hearing**

Any changes to the arrangements for this hearing will be communicated to you by a banner on the project page of the National Infrastructure Planning website <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-10a3-wisley-interchange-improvement/?ipcsection=overview>

You are an Affected Person (AP) so, in our letter notifying you of this hearing, you were asked to get in touch with us to tell us whether you wished to participate and, if so, whether by using a digital device (for instance a smartphone, tablet, laptop or desktop computer) or by telephone link. You told us that you wished to speak at this hearing and participate via a video link. The link(s) in this agenda will enable you to participate as you have requested, whether via video link, telephone or as an observer.

If you are an AP who has requested to be heard, the link you will be provided with will also connect you to the Planning Inspectorate Case Manager at 09:30 (9.30am) on Tuesday 16 June 2020. The Case Manager will sign you in, confirm all of those speaking and the Agenda items on which they wish to speak, and ensure that everyone has a clear understanding of how to participate in the hearing under these new arrangements. The hearing will commence formally at 10:00 (10.00am) on Tuesday 16 June 2020 so it is important that you sign in at 09:30 to ensure that you are clear about how as an oral participant you can participate. Please make every effort to sign in at 09:30. If you are unable to do so, please contact the case team on [M25Junction10@planninginspectorate.gov.uk](mailto:M25Junction10@planninginspectorate.gov.uk) or 0303 444 5658 and arrangements will be made for you to join the hearing as soon as possible.

To help you participate effectively, the Planning Inspectorate has published an FAQ on Virtual Meetings and Hearings <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010030/TR010030-000960-M25J10%20virtual%20hearing%20FAQ.pdf>. This provides more information about Microsoft Teams, the system used by the Planning Inspectorate to conduct hearings over the internet, and the various digital devices and phones that can be used to join the hearing. Please read it before you join the hearing as it is likely that you will need to make some preparations to enable you to participate effectively.

### **Participation, Conduct and Management of the Hearing**

The business of a CAH is limited to the effects of CA, TP and related questions bearing on access to and rights over land. It is limited to participation by the Applicant and APs. APs are persons whose rights over land are affected and they are automatically accorded the status of Interested Persons, whether or not they made a Relevant Representation (RR). **Oral submissions not related to CA or TP or from persons who are not APs, will not be heard.**

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

#### *The Applicant*

The ExA requests that the Applicant attends this hearing session. 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.

#### *Affected Persons*

The ExA has identified the following APs as having live objections and they are invited to attend this hearing session:

- Girl Guiding Greater London West
- Painshill Park Trust
- Park Barn Farm
- The Royal Horticultural Society
- Surrey County Council

- Surrey Wildlife Trust
- Wisley Property Investments Limited

### *Hearing Guidance*

While the ExA expects that there will be some screen sharing via Teams that it will perform, all participants with access to a computer and/or tablet during this CAH session are **strongly encouraged** to have the documents listed in the agenda below available either on their own devices or in hard copy. This will minimise the possibility that participants might find it difficult to keep up with the documents that are being referred to.

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 Planning Act 2008 (PA 2008)<sup>1</sup> and the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) 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 a 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. It is not normal procedure for ExAs to permit the cross-questioning of an AP by an Applicant or an Applicant's representatives, or of an Applicant by an AP.

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 the ExA is content that all matters on the agenda have been addressed.

All participants are advised that any new evidence presented orally at this hearing, including written submissions of oral case, must be included in post-hearing submissions and submitted by **3 July 2020** (Deadline 11), in order to ensure that it has been recorded accurately.

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<sup>1</sup> 'Planning Act 2008: Guidance for the examination of applications for development consent', (DCLG March 2015).  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

# Agenda – Session 1, Non-site specific CA and TP matters

**Note:** For this session of CAH1 the Examination Documents that are likely to be referred to are:

- Statement of Reasons [[APP-022](#)]
- Funding Statement, as amended by [REP4a-007](#) [[APP-024](#)]
- Compulsory Acquisition Objections Schedule [[REP2-009](#)]
- Land Plans [[REP8-003](#)]
- Works Plans [[REP8-004](#)]
- Crown Land Plans [[REP8-007](#)]
- Book of Reference [[REP8-016](#)]
- Schedule of Statutory Undertaker Representations with regard to S127 [[REP8-025](#)]
- Schedule of Statutory Undertaker Representations with regard to S138 [[REP8-026](#)]
- Revised draft Development Consent Order – Tracked Version [[REP8-027](#)]
- Compulsory Acquisition Schedule [[REP10-010](#)]

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

## **2. The Applicant’s general 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.
- f) To consider impending legislative changes.

The ExA will invite submissions from APs who wish to raise matters of general application in relation to items a) to f) listed above. However, any site-specific submissions must be reserved to the specific part of Session 2 of CAH1 that has been allocated to individual APs to have their cases heard.

## **3. Crown and Statutory Undertakers’ Issues**

- a) The ExA will invite the Applicant to provide an update with respect to Statutory Undertaker land proposed for acquisition or the extinguishment of rights over land etc, respectively under

Sections 127 and 138 of the PA2008, further to the position set out in REP8-025 and REP8-026.

- b) The ExA, as it considers necessary, will raise any questions of the Applicant concerning Statutory Undertaker land.
- c) The ExA will invite the Applicant to provide an update with respect to the Crown consent issues relating to the Crown Land affected by the Proposed Development.
- d) The ExA, as it considers necessary, will raise any questions of the Applicant concerning Crown Land affected by the Proposed Development.

#### **4. Site-specific objections made by APs, other than those attending any CAH1 sessions and those of Statutory Undertakers**

- a) The ExA will invite the Applicant to provide an update with respect to the CA Objections recorded in The CA Schedule [REP10-010].
- b) The ExA, as it considers necessary, will raise any questions of the Applicant concerning the update provided in respect of Agenda item 4a)

#### **5. Review of issues and actions arising and next steps**

The ExA will check that all APs expecting to have been heard orally during this session of CAH1 have been heard. If necessary, the ExA may return to matters arising from earlier agenda items to address circumstances where technical difficulties have prevented full participation. If required, the ExA will advise of the steps to be taken by APs who have not been able to make oral submissions for reasons beyond their control.

The ExA will address how any actions placed on the Applicant are to be met.

#### **6. Closure of the session**

**NOTE:** Should time not permit either Agenda item 3 and/or Agenda item 4 to be heard by the ExA, as scheduled for the morning of Tuesday 16 June 2020, then the ExA's hearing of these items will be adjourned. The hearing of Agenda items 3 and/or 4 will then be resumed at a time on Thursday 18 June 2020 that follows the conclusion of CAH1 Session 2, Part 6, when at a minimum the ExA will require the Applicant to be in attendance.