



## **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 2, Part 2 Painshill Park**

<b>Date:</b>	<b>16 June 2020</b>
<b>Hearing Commences:</b>	<b>Not before 15:45</b> <b>Arrangements Conference from 15:30</b>
<b>Venue:</b>	Online and by telephone, with subsequent publication of a video and audio recording to the National Infrastructure Planning Website <a href="https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-10a3-wisley-interchange-improvement/?ipcsection=overview">https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-10a3-wisley-interchange-improvement/?ipcsection=overview</a>

### **Purpose of the Hearing**

To hear the objections of Painshill Park Trust (PPT) to the proposed Compulsory Acquisition (CA) and/or Temporary Possession (TP) sought by the Applicant that concerns land at Painshill Park.

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

Should arrangements for this hearing need to change, this 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 have been provided with will also connect you to the Planning Inspectorate Case Manager at 15:30 (3:30pm) 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 not before 15:45 (3:45pm), so it is important that you register at 15:30

to ensure that you are clear about how as an oral participant you can participate. Please make every effort to register at 15.30. 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 IPs, 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 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 the PPT and will be provided with an opportunity to respond to PPT's written and oral cases.

#### *Affected Persons*

The ExA has identified that the following AP has a live objection and is invited to attend:

- Painshill Park Trust

#### *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 either available 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 2, Part 2 Painshill Park

**Please Note:** For this Agenda item there will be reference to:

- Statement of Reasons [[APP-022](#)]
- The Land Plans [[REP8-003](#)]
- Scheme Layout Plans [[REP8-009](#)] (sheets 1-10)
- Book of Reference [[REP8-016](#)]
- PPT's D6 submission [[REP6-023](#)]
- The Applicant's response to PPT's D6 submission [[REP7-009](#)]
- Compulsory Acquisition Schedule - Rev 0 [[REP10-010](#)]

- 1. Welcome, introductions and arrangements for this Compulsory Acquisition Hearing (CAH1) Session 2, Part 2**
- 2. The ExA will ask PPT to summarise its objection to the proposed CA and/or TP powers sought by the Applicant, having regard to the legislative and policy tests for CA.**

PPT should summarise its case in not more than 5 minutes.

- 3. The ExA will ask the Applicant for its response to PPT's objection.**

In responding to PPT's objection, the Applicant should make its response in not more than 5 minutes, addressing:

- a) The applicable statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (as amended) (PA2008) and DCLG Guidance<sup>2</sup>;
- b) human rights considerations as relevant; and
- c) any other important and relevant considerations bearing on the objection heard.

- 4. The ExA's questions with respect to the proposed CA/TP of the land at Painshill Park**

Issues/questions will include the following:

- PPT to comment on the nature of the land that the Applicant is seeking CA for in the north-eastern part of Painshill Park.
- Applicant to advise on the alternative access arrangements that it has considered in view of the potential removal of the 'western access' directly off the A3.

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<sup>2</sup> 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG 2013)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236454/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)

- PPT to comment on the alternatives it considers could be used to provide access to the area of the park within the vicinity of the Gothic Tower resulting from the proposed closure of the existing western access.
- The feasibility and implications of providing PPT's preferred access solution and associated land ownership matters.

## **5. PPT's final right of reply with respect to its CA and TP objections**

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

The ExA will check that all representatives for PPT it is expecting to hear from have been able to participate. 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 PPT, if PPT has not been able to make its oral submissions for reasons beyond its control.

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

## **7. Closure of the session**