

## **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 3 Special Category Land and Replacement Land matters**

<b>Date:</b>	<b>Wednesday 17 June 2020</b>
<b>Hearing Commences:</b>	<b>10:00</b> <b>Arrangements Conference from 09:30</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**

This hearing is for the following purposes:

- To enable the ExA to inquire into the Applicant's case for the proposed Compulsory Acquisition (CA), acquisition of rights and Temporary Possession (TP) of Special Category Land (SCL), as defined by Sections 131 and 132 of the Planning Act 2008 (PA2008);
- To hear the objection to the proposed CA of land at Park Barn Farm (PBF) for the purposes of providing Replacement Land for SCL affected by the Proposed Development.
- To inquire into the current the position with respect to the SCL subject to the 'historic exchange' under the Compulsory Purchase Orders of 1979 and 1982.

### **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 have been provided with will also connect you to the Planning Inspectorate Case Manager at 09:30 (9:30am) on Wednesday 17 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 Wednesday 17 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, amongst other things, be asked to present its own response to matters raised by the AP objecting to the proposed CA of land at PBF and land-related elements of the application proposal. The Applicant should be prepared to address questions raised by the ExA and will be provided with an opportunity to respond to AP's written and oral cases.

With respect to questions likely to be asked by the ExA during the course of this session of the CAH, the Applicant should have a participant available who is **equipped and ready to perform some real time calculations** relating to all of the SCL that is proposed for acquisition and for which it is intended to acquire permanent rights.

#### *Affected Persons*

The ExA has identified that the following APs have live objections and they are invited to attend:

- Park Barn Farm (PBF)
- Surrey County Council (SCC)
- Surrey Wildlife Trust (SWT)

### *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 3 Special Category Land and Replacement Land matters

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

- Statement of Reasons [[APP-022](#)]
- Noise and Vibration Figures [[APP-066](#) and [APP-067](#)]
- Statement of Reasons Appendix C: Common land and open space report (Revision 1) [[AS-005](#)]
- SCC's reply to ExA third written question 3.16.6 [in [REP7-025](#)]
- Land Plans [[REP8-003](#)]
- Special Category Land Plans [[REP8-006](#)]
- Scheme Layout Plans (sheets 1-10) [[REP8-009](#)]
- Scheme Layout Plans (sheets 11-31) [[REP8-010](#)]
- Statement of Reasons Appendix C: Common Land and Open Space Report - Rev 2 [[REP8-015](#)]
- Book of Reference [[REP8-016](#)]
- Outline plan showing the Applicant's and Surrey County Council's Management Responsibilities [[REP10-005](#)]
- Applicant's comments to Examining Authority's fourth written questions and requests for information [[REP10-004](#)]
- Examining Authority's fourth written questions and requests for information [[REP10-012](#)]
- The various written submissions made in respect of Park Barn Farm by the AP and the Applicant

- 1. Welcome, introductions and arrangements for this Compulsory Acquisition Hearing (CAH1) Session 2, Part 3**
- 2. The Applicant's general case for CA and TP in respect of Special Category Land (SCL), including Replacement Land (RL) considerations** (not more than 10 minutes)
- 3. Surrey County Council's (SCC) case with respect to the Applicant's proposed CA and TP of SCL** (not more than 10 minutes)
- 4. The objection to the proposed CA of land at Park Barn Farm (PBF)** (not more than 15 minutes)
- 5. The ExA's questions with respect to the proposed CA and TP of the existing SCL and the CA for RL, including the proposed CA of RL at PBF**
  - a) Step 1 – Consideration of the SCL affected by the Proposed Development, including:
    - i. Confirmation of the area of SCL proposed for outright CA

- ii. Discussion of the functional quality of the SCL proposed for outright CA, including matters such as the nature of the use of the affected land and its visual quality and exposure to road traffic noise.
  - iii. Consideration of any disadvantage that users of the SCL would experience because of some of its CA.
  - iv. Confirmation of the area of SCL for which the acquisition of permanent rights is proposed.
  - v. Discussion of the functional quality of the SCL for which the acquisition of permanent rights is proposed, including matters such as the nature of the use of the affected land and its visual quality and exposure to road traffic noise.
- b) Step 2 - Factors to be taken account of in calculating the amount of RL to be provided, including:
- i. Having regard to the character of the SCL as a whole, in applying a ratio, should a distinction be drawn between any RL ratio to be applied to the registered Common Land and the Open Space?
  - ii. Should any distinction be drawn between the degree of any disadvantage experienced by users of the SCL in association with the Proposed Development in comparison with the disadvantage experienced when the M25 was originally built?
  - iii. Consideration of any disadvantage that users of the SCL would experience through the proposed acquisition of permanent rights.
- c) Step 3 - Establishing the amount of RL to be provided in association with the Proposed Development, including:
- i. The appropriateness of applying the RL ratios that were used when the M25 was first built (the historic RL ratios).
  - ii. If the historic RL ratios are inappropriate what ratios might be appropriate?
- d) Step 4 – Having determined the amount of RL required (Step 3) considering the locations for where RL could be provided, taking account of the function for what would be new SCL

Please Note: For Agenda item 5, as highlighted in the covering letter above, the Applicant should have a participant available who is equipped and ready to perform some real time calculations relating to all of the SCL that is proposed for acquisition and for which it is intended to acquire permanent rights.

- 6. With respect to the CA objection concerning PBF, the Objector's final right of reply**
- 7. Review of the position with respect to the SCL subject to the 'historic exchange' under the Compulsory Purchase Orders (CPOs) of 1979 and 1982, further to the receipt of the Applicant's and SCC's responses to the ExA's fourth written question 4.16.4, respectively set out in REP10-004 and REP10-012**

## **8. 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, if APs 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.

## **9. Closure of the session**