

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 5 RHS Wisley

Date:	Thursday 18 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

To hear the objections of the Royal Horticultural Society (RHS) to the proposed Compulsory Acquisition (CA) and/or Temporary Possession (TP) sought by the Applicant that concerns RHS Wisley.

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>

The RHS is 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 Thursday 18 June 2020. The Case Manager will sign you in, confirm all of those speaking 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 Thursday 18 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 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 RHS. The Applicant should be prepared to address questions raised by the ExA and will be provided with an opportunity to respond to The RHS's written and oral cases.

Affected Persons

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

- The Royal Horticultural Society

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)¹ 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.

¹ '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

Agenda - Session 2, Part 5

The Royal Horticultural Society

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

- Statement of Reasons [[APP-022](#)]
- The Royal Horticultural Society response to the ExA's third written questions [[REP7-039](#)]
- Land Plans [[REP8-003](#)]
- Works Plans [[REP8-004](#)]
- Streets, rights of way and access plans Rev 1 [[REP8-005](#)]
- Scheme Layout Plans (sheets 1-10) [[REP8-009](#)]
- Scheme Layout Plans (sheets 11-31) [[REP8-010](#)]
- Temporary Works Plans - Rev 1 [[REP8-012](#)]
- Book of Reference [[REP8-016](#)]
- draft Development Consent Order (Tracked Version) [[REP8-027](#)]
- Statement of Common Ground with The Royal Horticultural Society - Rev 1 [[REP8-031](#)]
- The RHS's Deadline 10 Overview [[REP10-022](#)]

- 1. Welcome, introductions and arrangements for this Compulsory Acquisition Hearing (CAH1) Session 2, Part 5**
- 2. The ExA will ask the RHS as an AP to summarise its objection to the proposed CA and TP powers sought by the Applicant, having regard to the legislative and policy tests for CA.**

The RHS should summarise its case in not more than 10 minutes.

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

In responding to the RHS's objection, the Applicant should make its response in not more than 10 minutes, addressing:

- a) applicable statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (as amended) (PA2008) and DCLG Guidance²;
- b) human rights considerations as relevant; and
- c) any other important and relevant considerations bearing on the objection heard.

- 4. Questions from the ExA, including:**

² '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

- a) How access to RHS Wisley would be maintained throughout the duration of the construction period for the Proposed Development, having regard to the proposed alterations to Wisley Lane and the extent of the land that the Applicant proposes to acquire permanently and/or to use temporarily.
- b) The progress being made to conclude the 'Land and Works Agreement' referred to in the RHS's response [REP7-039] to the ExA's third written question 3.16.1. and in [REP10-022].

5. The RHS'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 The RHS 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. The ExA will advise of the steps to be taken by The RHS, if The RHS 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