

## **A1 Birtley to Coal House Improvement Scheme**

### **Agenda for Compulsory Acquisition Hearing**

**Date:** Friday 26 June 2020  
**Time:** **Session 1:** 10.00am  
(Arrangements Conference at 9.30am)  
**Session 2:** 2.00pm  
(Arrangements Conference at 1.30pm)  
**Venue:** Virtual Hearing via Microsoft Teams

### **Introduction**

Details on participation, conduct and management of the hearing are included in **Annex A** of this agenda and should be read by all participants in advance of the hearing.

If for any reason, including technical issues, matters are not concluded by the end of this hearing, a reserve hearing date has been provided on Friday 3 July 2020 at 9.30am (arrangements conference at 9.00am). This will only be needed if the ExA decides that it is necessary to hear further oral submissions from any party on any relevant matters.

All participants of this virtual hearing are requested to read the [Virtual Hearings Arrangements letter dated 11 June 2020](#).

### **Purpose of the Compulsory Acquisition Hearing:**

The Compulsory Acquisition Hearing 1 (CAH1) is being held for the following purposes:

- To enable the Examining Authority (ExA) to inquire into the Applicant's case to Compulsorily Acquire (CA) land or rights over land and/or to take Temporary Possession (TP) of land;
- To allow the ExA to hear oral submissions from affected persons who request to be heard; and
- To enable the ExA to consider whether relevant legal and policy tests applicable to CA and TP proposals have been met.

### **Requested Attendees**

The ExA would find it helpful if the following parties could attend this hearing.

- Highways England (the Applicant)

- Gateshead Council
- Environment Agency
- Northern Gas Networks Ltd
- Network Rail Infrastructure Limited
- B, C & G Askew

The details set out below are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

## **Agenda Items**

### *Session 1:*

#### **1. Welcome, introductions and arrangements for the hearing**

#### **2. The Book of Reference:**

a) Whether the updated Book of Reference [REP6-07] is now accurate and complete?

#### **3. Statutory Conditions and General Principles**

a) The Applicant to set out briefly whether the purpose for which Compulsory Acquisition powers are sought would comply with section 122(2) of the Planning Act 2008 (PA2008)?

b) Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession?

c) Whether the land proposed to be acquired is no more than is reasonably necessary for the purposes of the Proposed Development.

d) Whether, having regard to PA2008 s 122(3) there is a compelling case in the public interest for the land to be acquired compulsorily and that the public benefit would outweigh the private loss.

#### **4. Funding**

a) Any further updates to the Funding Statement

b) Whether adequate funding is likely to be available to enable the Compulsory Acquisition to proceed within the statutory period following (and in the event of) the dDCO being made.

#### **5. Human Rights and Public Sector Equality Duty**

a) What regard has been had to Articles 8 and 6 of the European Convention on Human Rights (ECHR) and Article 1 of the First Protocol?

b) The degree of importance attributed to the existing uses of the land proposed to be acquired.

c) The weighing of any potential infringement of ECHR rights against the potential public benefits if the dDCO is made.

d) Implications arising from the Public Sector Equality Duty

**6. Special Category Land including open space**

a) Whether the requirements of PA2008 s131 and s132 are met

*Session 2:*

**7. Affected persons who may be affected by compulsory acquisitions provisions in the dDCO**

a) The Applicant to set out the current position in relation to negotiations with affected persons

b) Submissions from affected persons who have notified a wish to make oral representations

**8. Statutory Undertakers**

a) The Applicant to set out the current position in relation to negotiations with Statutory Undertakers

b) Submissions from Statutory Undertakers

c) Whether Protective Provisions have been agreed with all Statutory Undertakers

**9. Any other matters**

Note: In circumstances where the ExA has been made aware of any technical difficulties around participation, it will provide an opportunity for persons who could not be heard on earlier agenda items to participate as necessary and appropriate.

**10. Actions arising and next steps**

**11. Closing**

## **Annex A**

### **Conduct and Management of Hearings**

Guidance under the Planning Act 2008 and the Examination Procedure Rules provides that at Hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by the ExA. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will start the Hearing by making introductory comments, introductions and running through housekeeping matters and how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for one to two hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

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 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 is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of a Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA..

Oral participation is at the invitation and discretion of the ExA. Oral submissions must address the matters, issues and questions identified in the hearing agenda and raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance or time efficiency.

If for any reason, including technical issues, matters are not concluded by the end of this hearing a reserve hearing date has been scheduled for Friday 3 July 2020 at 9.30am (arrangements conference at 9.00am). This will be at the discretion of the ExA and it may be decided to pursue further representations in writing rather than through an additional hearing.

Recordings of the hearing will be published by the Planning Inspectorate and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the hearing by Deadline 9 on 8 July 2020.