



# The Planning Inspectorate

## **Planning Act 2008 – Sections 91, 92 and 93; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 14**

### **Application by Highways England for an Order Granting Development Consent for the A57 Link Roads**

#### **Agenda and arrangements for Compulsory Acquisition Hearing 1**

In its letter dated 16 December 2021 the Examining Authority (ExA) notified the times, dates, and locations of hearings to be held from 8 to 11 February 2022:

<https://infrastructure.planninginspectorate.gov.uk/document/TR010034-000756>

The ExA has considered written submissions and requests to make oral representations. **The ExA did not receive requests to be heard at Open Floor Hearing 2 and Compulsory Acquisition Hearing 2 in accordance with the above letter and therefore those hearings will not be held during February 2022.**

This document provides the agenda for Compulsory Acquisition Hearing 1. The agenda is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all.

The hearing will not cover all matters that the ExA is considering. If a topic is not included in a hearing it is because the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions. The ExA will ensure that each party has a fair opportunity to put its case.

If you would like to observe the hearing in real time, then you will be able to access a public livestream on the National Infrastructure Planning website. A recording of the hearing will be published on the website as soon as is practicable:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme>

Compulsory Acquisition Hearing 1 is being held for the ExA to examine the Applicants' case for Compulsory Acquisition and Temporary Possession and to invite Affected Persons and the Applicant to make oral representations about those matters.

#### **Participation**

The following parties have registered to make an oral submission or are invited to participate by the ExA:

- The Applicant
- Tameside Metropolitan Borough Council
- Derbyshire County Council
- High Peak Borough Council
- John Joseph Bower

- Warner Eric Bower

An Arrangements Conference will be held for parties that have registered to make an oral submission or that the ExA has invited to participate. Those parties should please join the Arrangements Conference promptly using the instructions that are sent to them.

The Arrangements Conference will be hosted by the Case Team and will cover housekeeping arrangements and allow for questions to be asked about the hearing arrangements. The ExA will not be present and there will not be a public livestream of the Arrangements Conference.

Subject to the ExA’s power of control over the conduct of the hearings, it will invite relevant parties to make an oral submission at the appropriate point in the agenda.

The hearing and Arrangements Conference are being held in Microsoft Teams. Information on how to participate is provided in Advice Note 8.6:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

<b>AGENDA FOR COMPULSORY ACQUISITION HEARING 1</b>	
2.30pm on Tuesday 8 February 2022 and, if required, Friday 11 February 2022. Arrangements conference from 2.00pm.	
<b>Item 1</b>	<p><b>WELCOME, OPENING REMARKS, INTRODUCTIONS, AND HOUSEKEEPING</b></p> <p>The ExA will welcome participants, lead introductions, and go through some housekeeping matters.</p> <p>The public livestream and recording will start.</p>
<b>Item 2</b>	<p><b>THE APPLICANT’S CASE FOR COMPULSORY ACQUISITION AND TEMPORARY POSSESSION</b></p> <p>The ExA will invite the Applicant to take up to 10 minutes to provide an overview of:</p> <ul style="list-style-type: none"> <li>• its overall approach to CA and TP in the context of the relevant tests under the Planning Act 2008 and DCLG Guidance<sup>1</sup></li> <li>• the purpose, structure and content of the Book of Reference, the Statement of Reasons and the Funding Statement</li> <li>• the powers sought and the overall case for them being granted</li> </ul> <p>The ExA may ask questions.</p>
<b>Item 3</b>	<b>Individual objections, issues and voluntary agreements</b>

<sup>1</sup> Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

	<p><u>John Joseph Bower / Carr House Farm / plots 4/13a, 4/13b, 4/13c, 4/13d, 4/13e, 4/13f, 4/13g, 4/13h, 4/13i, 4/13j, 4/13k, 4/16, 4/17, 4/19, 4/20, 4/21, 5/1a, 5/1b, 5/1c, 5/1d, 5/1e, 5/1f, 5/1g, 5/1h, 5/1i, 5/1j, 5/1k, 5/2, 5/3, 5/4, 5/5, 5/7a, 5/7b, 5/7c, 5/7d, 5/7e, 5/7f, 5/7g, 5/7h, 5/8, 5/9a, 5/9b, 5/9c, 5/9d, 5/9e, 5/9f, 5/9g, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 8/8a, 8/8b, 8/8c, 8/8d, 9/3, 9/7a, 9/7b, 9/7c, 9/7d, 9/7e, 9/16</u></p> <p>a) The ExA will invite <b>John Joseph Bower or their representatives</b>, if present, to make an oral submission. The ExA may ask questions.</p> <p>b) <b>The Applicant</b> will be invited to respond. The ExA may ask questions.</p> <p><u>Warner Eric Bower / Carr House Farm / plots 4/13a, 4/13b, 4/13c, 4/13d, 4/13e, 4/13f, 4/13g, 4/13h, 4/13i, 4/13j, 4/13k, 4/16, 4/17, 4/19, 4/20, 4/21, 5/1a, 5/1b, 5/1c, 5/1d, 5/1e, 5/1f, 5/1g, 5/1h, 5/1i, 5/1j, 5/1k, 5/2, 5/3, 5/4, 5/5, 5/7a, 5/7b, 5/7c, 5/7d, 5/7e, 5/7f, 5/7g, 5/7h, 5/8, 5/9a, 5/9b, 5/9c, 5/9d, 5/9e, 5/9f, 5/9g, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 8/8a, 8/8b, 8/8c, 8/8d, 9/3, 9/7a, 9/7b, 9/7c, 9/7d, 9/7e, 9/16</u></p> <p>c) The ExA will invite <b>Warner Eric Bower or their representatives</b>, if present, to make an oral submission. The ExA may ask questions.</p> <p>d) <b>The Applicant</b> will be invited to respond. The ExA may ask questions.</p> <p><u>Compulsory Acquisition Schedule</u></p> <p>The Applicant has provided a Compulsory Acquisition Schedule [<a href="#">REP3-012</a>] to set out progress on discussions regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, objections and blight.</p> <p>e) Please could <b>the Applicant</b> summarise the progress made during the Examination and the progress anticipated during the remainder of the Examination? What progress has been made where there is an objection to rights being acquired?</p> <p>f) Please could <b>the Applicant</b> set out where it has not been able to progress discussions with known parties? What steps will be taken during the Examination?</p> <p>g) Please could <b>the Applicant</b> summarise the steps to be taken to identify any unknown parties or interests during the Examination?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
<p><b>Item 4</b></p>	<p><b>THE BOOK OF REFERENCE, STATEMENT OF REASONS, LAND PLANS, DILIGENT ENQUIRY AND UPDATES</b></p> <p><u>Book of Reference update</u></p> <p>The Applicant did not provide an updated Book of Reference [<a href="#">REP1-011</a>] at Deadline 3.</p> <p>a) Please could <b>the Applicant</b> provide an updated Book of Reference at Deadlines 5, 7 and 9?</p> <p><u>Diligent enquiry</u></p> <p>The Applicant [<a href="#">REP2-021</a> Q15.4] set out the approach to identifying “<i>Unknown Ownerships</i>”. The Book of Reference [<a href="#">REP1-011</a>] refers to</p>

	<p>"reputed owner[s]" for a number of residential properties for which powers are sought to acquire all interests and rights in land. These include plots 3/6, 3/13, 3/19.</p> <p>b) Please could <b>the Applicant</b> set out the steps have been and will be taken to firmly establish the ownership of those properties for which "reputed owner[s]" have been identified?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
	<p><b>Break</b></p>
<p><b>Item 5</b></p>	<p><b>HOW IT IS INTENDED TO USE THE LAND, WHETHER REASONABLE ALTERNATIVES HAVE BEEN EXPLORED AND WHETHER THE RIGHTS SOUGHT ARE LEGITIMATE, PROPORTIONATE, AND NECESSARY</b></p> <p><u>Flexibility</u></p> <p>The Applicant [REP2-021 Q15.8] said that it would constantly review, as the detailed design is developed, whether land and rights proposed to be acquired can be reduced and where appropriate liaise with affected parties.</p> <p>The ExA needs to be clear that the rights granted by the DCO are legitimate, proportionate, and necessary. There appears to be a realistic potential for the rights required to deliver the Proposed Development to be reduced during detailed design.</p> <p>a) Please could <b>the Applicant</b> comment on the need for a process to consider human rights to be secured during detailed design? If an appropriate process is not secured, how can the ExA be satisfied that the rights granted by the DCO would be legitimate, proportionate, and necessary?</p> <p><u>The potential for residents to retain ownership of their properties</u></p> <p>The Applicant [REP2-021 Q15.8] referred to the acquisition of residential properties and said that certain residents are known to have expressed a preference to continue to reside in their property. It said that the detailed design would be carefully considered to establish if it is possible to enable such residents to retain ownership of their property, provided it is safe and appropriate to do so.</p> <p>The ExA would like to have a greater understanding of the potential of residents being able to retain ownership, and the issues involved.</p> <p>b) Please could <b>the Applicant</b> provide drawing(s) that overlay the Works and Order limits on the land plans for the plots in the vicinity of the residential plots where the Applicant is seeking rights? Please could those plans be annotated to identify where there is a potential for the rights to be reduced, identifying relevant safety and other issues?</p> <p>c) Please could <b>the Applicant</b> set out how, during the Examination, it intends to progress discussions with residents that might wish to retain ownership of their properties?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>

<p><b>Item 6</b></p>	<p><b>CROWN INTERESTS, STATUTORY UNDERTAKERS, SPECIAL CATEGORY LAND, COMPENSATION, FUNDING AND OTHER MATTERS</b></p> <p><u>Crown interests</u></p> <p>The Applicant [<a href="#">REP2-021</a> Q15.11] said that written confirmation has been requested from the Crown Estate via its sole legal representatives with regards to escheat. It also said that in the unlikely event that these plots were considered Crown land, it would seek the agreement of the Crown Estate that these plots could be subject to acquisition.</p> <p>a) Please could <b>the Applicant</b> provide an update?</p> <p>The ExA is minded that the powers sought in respect to Crown Land should not be provided unless either there is certainty that the plots should not be considered Crown Land for the purposes of the PA2008, and the Applicant suggests that this is currently not certain; or the consent of the relevant Crown authority is provided.</p> <p>b) Please could <b>the Applicant</b> comment?</p> <p><u>Open space and replacement land</u></p> <p>The Applicant [<a href="#">REP2-021</a> Q15.14] said that s132(5) of the Planning Act 2008 applies for each plot identified in paragraph 7.2.4 of the Statement of Reasons [<a href="#">REP2-003</a>].</p> <p>d) Please could <b>the Applicant</b> advise if it has been recorded in accordance with s132(2)(b) of the Planning Act 2008?</p> <p>e) Please could <b>the Applicant</b> update the Statement of Reasons and, if necessary, the dDCO?</p> <p>The Applicant [<a href="#">REP2-021</a> Q15.15] set out it's justification for Special Parliamentary Procedure for the acquisition of six open space plots mentioned in paragraph 7.2.3 of the Statement of Reasons [<a href="#">REP2-003</a>].</p> <p>f) Please could <b>the Applicant</b> set out the consideration given to the rights of the current owners?</p> <p>g) Please could <b>the Applicant</b> set out how it is secured that the land would be returned to open space? Is this certain given the requested limits of deviation?</p> <p><u>Common land</u></p> <p>Tameside Metropolitan Borough Council [<a href="#">REP2-056</a> Q15.16] said that a check of common ground needed to be carried out.</p> <p>h) Please could <b>Tameside Metropolitan Borough Council</b> update?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
<p><b>Item 7</b></p>	<p><b>ANY OTHER COMPULSORY ACQUISITION OR TEMPORARY POSSESSION MATTERS</b></p> <p>Please could <b>the Applicant</b> provide a written summary of its responses for Deadline 4, on Wednesday 16 February 2022?</p>

	Time permitting, and at its discretion, the ExA may invite other oral submissions on Compulsory Acquisition or Temporary Possession matters.
<b>Item 8</b>	<b>ANY OTHER BUSINESS AND CLOSE OF COMPULSORY ACQUISITION HEARING 1</b>

Compulsory Acquisition Hearing 1 may be completed on Tuesday 8 February 2022. If it is then notification that Friday 11 February 2022 is no longer required will be provided during the hearing before it closes and published as soon as is practicable on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme>