

Planning Act 2008 – section 92

Application by Highways England for an Order Granting Development Consent for the A585 Windy Harbour to Skippool Improvement Scheme (Case Ref. TR010035)

Agenda for Compulsory Acquisition Hearing 1 (CAH1)

The Examining Authority (ExA) notified Interested Parties in its letter dated 16 April 2019 of the decision to hold a Compulsory Acquisition Hearing (CAH). The date of the CAH was subsequently amended and Interested Parties were notified of the amended date in the ExA's letter of 4 June 2019:

| Hearing | Date and time | Location |
|---|---|--|
| Compulsory Acquisition Hearing 1 | Wednesday 3 July 2019. Seating available from 1.30pm. The hearing will start at 2.00pm | Thornton Little Theatre Fleetwood Road North Thornton-Cleveleys FY5 3SZ |

Access and Parking: Full disabled access. Free parking at venue

Purpose of the Compulsory Acquisition Hearing 1 (CAH1)

Guidance on Compulsory Acquisition under the Planning Act 2008 is available online.

Sections 122 to 134 of the Planning Act set out the main provisions regarding compulsory acquisition of land.

Section 122 sets out that a development consent order may only authorise compulsory acquisition if the Secretary of State is satisfied that:

- The land is required for the development to which the consent relates, or is required to facilitate, or is incidental to, the development, or is replacement land given in exchange under section 131 or 132; and
- there is a compelling case in the public interest for the compulsory acquisition.

Invited Participants

The Applicant and Affected Persons (APs) who wish to make oral representations are invited to attend. 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 APs and will be provided with an opportunity to respond to APs written and oral cases.

Participation, conduct and management of hearing

The Applicant and any other persons with land and/or interests which are or may be affected by the Proposed Development are entitled to be heard.

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.

Participation is subject to the ExA's power to control the hearing.

Guidance under the PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 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 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.

Please note that the following agenda is indicative and may be amended. The ExA may wish to raise other matters arising from submissions and pursue lines of enquiry during the discussion which are not on the agenda.

The ExA will be referring to the revised version of the draft Development Consent Order (dDCO) accepted into the Examination at Deadline 2 [REP2-017 and associated documents].

Agenda

- 1. Welcome, introductions and arrangements**
- 2. Clarification of powers sought in the land in schedule 7 and interaction with land plan**
- 3. Summary of outstanding objections and progress with negotiations following meetings**
- 4. Parties who may be affected by the project**
 - a) Affected persons who have notified a wish to make oral representations
 - b) Other affected persons whose land is subject to CA or TP who wish to make oral representations.

- c) Persons whose land or rights are not to be acquired compulsorily but who may be affected and able to make a relevant claim who wish to make oral representations.

5. Whether protective provisions are in a satisfactory form and one that is agreed with the relevant parties.

6. Statutory undertakers, s127 and 138 PA 2008 arguments for meeting these tests

7. Statutory conditions and general principles

- a) Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession
- b) Whether the rights to be acquired, including those for temporary possession, are necessary and proportionate
- c) Whether all land to be acquired is necessary and proportionate
- d) Whether, in accordance with PA 2008 s122(3), there is a compelling case in the public interest for the compulsory acquisition, both in relation to the need in the public interest for the project to be carried out and in respect of the private loss to those affected

8. Funding

9. Human rights and Public Sector Equality Duty (PSED)

Update in relation to West Wynds and The Beeches.

10. Whether there are any other outstanding matters

11. Next steps

12. Close

Please note: The hearing will close at the conclusion of business. Affected persons who have registered to speak in advance will be provided with a table and microphone. Individuals who have not registered in advance may participate at the discretion of the ExA.