

Planning Act 2008 – section 91

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

Agenda for Issue Specific Hearing on the draft Development Consent Order (ISH1)

The Examining Authority (ExA) notified Interested Parties in its letter dated 16 April 2019 of the decision to hold an Issue Specific Hearing on the draft Development Consent Order (DCO) on the following date:

Hearing	Date and time	Location
Issue Specific Hearing: draft Development Consent Order (dDCO)	Wednesday 3 July 2019. Seating available from 9.30am. The hearing will start at 10.00am	Thornton Little Theatre Fleetwood Road North Thornton-Cleveleys FY5 3SZ

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

Purpose of the Issue Specific Hearing 1 (ISH1)

The main purpose of the hearing is to consider the drafting aspects of the draft DCO and in particular to:

- Clarify issues around how the draft DCO is intended to work, what is to be consented, the extent of the powers and what requirements, provisions and agreements are proposed;
- identify any possible issues not covered by the DCO as currently drafted;
- establish or confirm the views of Interested Parties as to the appropriateness, proportionality and efficacy of the provisions and requirements as currently drafted; and
- consider the draft Development Consents Obligation and how this might operate alongside the proposed requirements in the draft DCO.

For the avoidance of doubt, the hearing will not consider the underlying issues arising from the Application or the representations which have been made in relation to those issues. The decision to hold the hearing should not be taken to imply that the ExA has reached any view at this stage of the examination as to whether or not the Order should be granted. The hearing will, accordingly, be conducted on a without prejudice basis.

Invited Participants

The Applicant, all Interested Parties and Affected Persons are invited to attend but should note that the dDCO hearing is likely to be of interest mainly to those organisations or bodies that have a direct involvement in drafting the Order and in its subsequent implementation should the Order be granted. For this reason the ExA requests that the following attendees participate in ISH1 into the dDCO:

- Highways England (the Applicant)
- Lancashire County Council
- Fylde Borough Council
- Wyre Council
- MMO
- Any other IPs with an interest in the drafting of the DCO; implementation or discharge of proposed articles, requirements or other provisions; seeking protective provisions or any related side agreements.

Participation, conduct and management of hearing

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 IPs may consider attending with the following expert advisers, but IPs may participate without expert advice:

- Engineers and project managers, responsible for project design and delivery;
- Lawyers engaged in statutory drafting, planning and environmental law; and
- Town Planners or Surveyors engaged in the negotiation of requirements and agreements relating to the use and development of land.

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 for this Issue Specific Hearing

2. Opportunity for other parties to ask questions about/ comment on the proposed revisions to the draft DCO.

3. Discharge of requirements and conditions, appeals and disputes

- The ExA will ask IPs, particularly the agencies, Councils and others whether they have any significant concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

4. Structure of the Order, Definitions and Articles and Schedules: comments and questions from interested parties.

5. Next steps

6. Close

Please note: The agenda may be subject to change at the discretion of the ExA. The hearing will close at the conclusion of business. Interested parties 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.