



# The Planning Inspectorate

## Planning Act 2008 – section 91

### Application by National Highways (formerly Highways England) for an Order granting Development Consent for the A47 Wansford to Sutton scheme

#### Agenda for Compulsory Acquisition Hearing 1 (CAH1) on Environmental Matters

In its letter dated 10 February 2022, the Examining Authority (ExA) notified Interested Parties (IP) of its decision to hold an Issue Specific Hearing into the above matters on the following date:

Hearing	Date and Time	Location
Compulsory Acquisition Hearing (CAH1)	Thursday 17 March 2022 10:00am (*Arrangements Conference starts at 9:30am)	Online using Microsoft Teams <sup>1</sup>

\*Participants must join the Arrangements Conference to register and to gain access to the Hearing.

#### About CAH1 on Compulsory Acquisition and Temporary Possession

The main purpose of CAH1 is to undertake an examination of the various aspects relating to:

- Compulsory Acquisition
- Temporary Possession
- Temporary Possession with the imposition of Permanent Rights.

The ExA will endeavour to hear all participants. If the CAH1, or parts of it, is unable to complete or proceed, for example for technical reasons, then the ExA may adjourn incomplete business to reserved hearings later in the Examination Timetable. The week commencing 9 May 2022 is already programmed for further Hearings should they be necessary. Notice of any further adjournments will be provided on the project webpage of the Planning Inspectorate's National Infrastructure Planning website.

#### Attendance at the Hearing

Anyone wishing to attend the Hearing should advise the Case Team as soon as possible to be issued with joining instructions to access the Hearing. Please email:

[A47WansfordtoSutton@planninginspectorate.gov.uk](mailto:A47WansfordtoSutton@planninginspectorate.gov.uk)

Parties can join using a computer, laptop, tablet or phone. Attendees will receive instructions on how to join in a separate email shortly before the Hearing. The access details are for your own personal use and should not be shared with any other party.

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<sup>1</sup> Further information is available in Advice Note 8.6, available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



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Please join the Arrangements Conference to join the event and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

The Hearing will be livestreamed and the link will be posted on the [website](#) shortly before the Hearing. A recording of the Hearing will also be available shortly after the event.

## **Participation, conduct and management of Hearing**

The ExA invites all IPs, who are entitled to make oral representations at the Hearing, subject to the ExA's power to control the Hearing<sup>2</sup>. These representations should be informed by the written submissions already made. However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA 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.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration.

Any lack of discussion of a particular issue at a Hearing does not preclude further examination of that issue, including through the inclusion of questions in the ExA's Further Written Questions (ExQ2) (if issued).

The ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. If items later in the agenda have already been answered the ExA will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or at a subsequent sitting.

All parties should note that the agenda provides a framework for this Hearing and offer discussion points; it does not constrain the ExA to specific topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry which are not included in this agenda.

References in square brackets [ ] are to the unique document identification number in the [Examination Library](#).

Please submit full summaries of all oral submissions by Deadline 4 on the Examination Timetable (Thursday 24 March 2022). Any additional illustrative or supporting material that you wish to share must be submitted at Deadline 4, as it will not be possible for you to show it on screen during your contribution to the Hearing.

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<sup>2</sup> Section 91 Planning Act 2008



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Please contact the Case Team if you have any questions regarding the arrangements:  
[A47WansfordtoSutton@planninginspectorate.gov.uk](mailto:A47WansfordtoSutton@planninginspectorate.gov.uk)



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## A47 Wansford to Sutton Dualling

### Compulsory Acquisition Hearing 1

Date **Thursday 17 March 2022**  
Arrangements **9:30am**  
Hearing start time **10:00am**

Virtual event using Microsoft Teams

#### Agenda

<b>Item 1</b>	<b>Welcome, introductions and arrangements for the Hearing</b>
<b>Item 2</b>	<b>Purpose of the Compulsory Acquisition Hearing (CAH1)</b>
<b>Item 3</b>	<p><b>General Case</b></p> <p>The ExA will ask the Applicant to present and justify its case for Compulsory Acquisition (CA) and Temporary Possession (TP) and will wish to address the following matters:</p> <ul style="list-style-type: none"><li>a) To review the statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (PA2008) and DCLG Guidance.</li><li>b) To review human rights and equality considerations.</li><li>c) To consider the structure and content of the Book of Reference.</li><li>d) To consider the structure and content of the Funding Statement.</li><li>e) To consider the structure and content of the Statement of Reasons.</li><li>f) To consider impending legislative changes.</li></ul> <p>The ExA will invite submissions from Affected Parties (APs) who wish to raise matters of general application in relation to items a) to f) listed above. However, any site-specific submissions must be reserved to the specific part of Session 2 of CAH1 that has been allocated to individual APs to have their cases heard.</p>
<b>Item 4</b>	<p><b>Crown Land</b></p> <p>The ExA will ask the Applicant to update him as to the latest position in respect of Crown Land as so defined, as to whether it has obtained agreement for the land to be acquired and whether there are, and if so what, any outstanding matters to be resolved.</p>
<b>Item 5</b>	<p><b>Operational Land of Statutory Undertakers</b></p> <p>The ExA will ask the Applicant to update him as to the latest position in respect of Operational Land of Statutory Undertakers, as to whether it has obtained agreement for the land to be acquired and whether there are, and if so what, any outstanding matters to be resolved.</p>



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<b>Item 6</b>	<b>Individual Cases</b> Should any AP attend, for each AP set out below, matters will be considered as follows: <ol style="list-style-type: none"><li>1) The ExA will ask the AP to summarize its objection to the proposed CA and TP powers sought by the Applicant, having regard to the legislative and policy tests for CA. Such a summary should take no longer than 5 minutes.</li><li>2) The ExA will ask the Applicant for its response to the AP objection. In responding to each AP objection, the Applicant should make its response in not more than 5 minutes, addressing:<ol style="list-style-type: none"><li>a) The applicable statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (as amended) (PA2008) and DCLG Guidance<sup>3</sup>;</li><li>b) Human rights considerations as relevant; and</li><li>c) Any other important and relevant considerations bearing on the objection heard.</li></ol></li><li>3) Any questions that the ExA may have with respect to CA/TP of that AP.</li><li>4) The AP's final right of reply with respect of its CA and TP objections</li></ol>
<b>Item 7</b>	<b>Review of issues and actions arising</b> The ExA will check that all APs expecting to have been heard orally during CAH1 have been heard. If necessary, the ExA may return to matters arising from earlier agenda items to address circumstances where technical difficulties have prevented full participation. If required, the ExA will advise of the steps to be taken by APs who have not been able to make oral submissions for reasons beyond their control
<b>Item 8</b>	<b>Next Steps</b> The ExA will address how any actions placed on the Applicant are to be met.
	<b>Close</b>

Breaks will be taken during the Hearing as directed by the ExA.

The above Agenda does not seek to cover all matters that may need consideration during the Examination process and does not deal with typographic matters. The ExA will include within his further Written Questions other matters where he wishes to be informed.

The ExA may well refer to the following documents during the Hearing and suggests that parties have copies to hand:

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<sup>3</sup> ['Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land'](#) (DCLG 2013)



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Title	Examination Library Reference
Land Plans	[REP2-003]
Works Plans	[APP-006]
Crown Land Plans	[REP2-006]
Book of Reference	[REP3-009]
Compulsory Acquisition Schedule	[REP3-021]

Should a party consider that any other documents, already submitted, may need to be referred, they should contact the Case Team at [A47WansfordtoSutton@planninginspectorate.gov.uk](mailto:A47WansfordtoSutton@planninginspectorate.gov.uk) by 12.00 noon on Friday 11 March 2022.