

Planning Act 2008 – section 91

Application by Highways England for an Order Granting Development Consent for the A47 Blofield to North Burlingham project

Agenda for Issue Specific Hearing 1 (ISH1) dealing with matters relating to the draft Development Consent Order (dDCO)

Agenda for virtual ISH1: Tuesday 17 August 2021, 10:00am

Notification of the date, time and joining instructions for the virtual ISH1 was provided in the [Examining Authority's letter](#) dated 14 July 2021.

Arrangements Conference

Please join at **9:30am**. The Case Team will admit you from the lobby and register your attendance.

Where necessary a break will be provided during ISH1 in recognition of the fatigue associated with on-screen communication during virtual events.

Agenda

- 1. Welcome, introductions and arrangements for the hearing**
- 2. Articles and Schedules (including Requirements) of the dDCO**
 - The Applicant will be asked to provide a very brief overview of each part of the dDCO
 - The Applicant will be asked to briefly highlight changes which have been made to the dDCO since the original submission version
 - The Applicant will be asked to explain the relationship between the dDCO and the Environmental Management Plan and associated Record of Environmental Actions and Commitments in securing mitigation
 - The ExA will then ask questions in respect of Articles, Schedules and Requirements of the dDCO, seeking responses where appropriate from the Applicant and Interested Parties (IPs)
 - The ExA will highlight some typographical errors and inconsistencies within the dDCO
 - IPs will be invited to ask questions of clarification in relation to dDCO Articles, Schedules and Requirements
- 3. Schedule 9 – Protective Provisions**
 - To obtain an update on progress between parties regarding protective provisions, particularly with regard to Cadent Gas Ltd and

Anglian Water Ltd, and an explanation of any important differences of view and a timescale for resolution

4. Consents, licences and other agreements

- The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any legal agreements are proposed and if there is an indicative timescale for finalising them

5. Statements of Common Ground

- The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the dDCO

6. Review of issues and actions arising

- The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken to the examination of the dDCO and any changes to it, in the light of issues raised

7. Any other matters

8. Closure of the hearing

Notes on participation, conduct and management of the hearing

All IPs are invited to attend issue specific hearings. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Each IP is entitled to make oral representations at the Hearing. However, this is subject to the Examining Authority's (ExA) power to control the Hearing.

The ExA would find it helpful for the following attendees to participate in ISH1 into the dDCO:

- Highways England (the Applicant) - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- Norfolk County Council;
- Broadland District Council;
- Environment Agency;
- Natural England;
- Historic England;
- Cadent Gas Ltd;
- Anglian Water Ltd; and
- Any other IPs with an interest in the drafting of the dDCO, the implementation or discharge of proposed articles, requirements or other provisions.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

Guidance under the Planning Act 2008 (PA 2008) 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.

The virtual event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The 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 of them. Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of the issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any Hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [].

The evidence presented orally at ISH1 should be included in post-hearing submissions and submitted by **Thursday 9 September 2021 (Deadline 4)**.

Purpose of ISH1

The main purpose of the first ISH is to undertake an examination of the dDCO including the Articles, Requirements and Schedules. In particular, to consider:

- Issues around how the dDCO is intended to work – what would be consented, the extent of the powers and what requirements, provisions and agreements are proposed;
- Any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
- The justification for any changes from established practice;
- The need for changes to other legislative provisions;
- The need for protective provisions and their scope; and
- The views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights or temporary possession of land. The Rule 13 letter schedules a separate Compulsory Acquisition Hearing on these topics (**18 August 2021 at 10.00am**) and they may also be returned to in any subsequent dDCO ISHs.

Contingencies

The ExA will endeavour to hear all participants. If the ISH1, or parts of it, is unable to proceed, for example for technical reasons, then the ExA may adjourn incomplete business to reserved hearings later in the Examination Timetable. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

Microsoft Teams

The ISH1 will take place virtually using Microsoft Teams. Further information about virtual events in relation to Nationally Significant Infrastructure Projects can be found in the Planning Inspectorate's Advice Note 8.6: Virtual examination events:

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

Further information, including a short video regarding taking part in a Planning Inspectorate virtual event, can be found on the Planning Inspectorate's website:

<https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

Please contact the Case Team if you have any questions about using Microsoft Teams or if you would like to test your access arrangements:

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