

Planning Act 2008 – section 92

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

Agenda for virtual Compulsory Acquisition Hearing 2: Tuesday 9 November 2021, 11.30am

Notification of the dates, times and joining instructions for this virtual Compulsory Acquisition Hearing 2 (CAH2) was provided in the [Examining Authority's \(ExA\) letter](#) dated 8 October 2021.

Arrangements Conference

Please join at **11:10am**. The Case Team will admit you from the lobby and register your attendance.

Where necessary a break will be provided during the CAH2 in recognition of the fatigue associated with on-screen communication during virtual events.

Agenda

1. Welcome, introductions and arrangements for the hearing

2. Change request

The ExA will ask the Applicant to briefly outline its request for a change to the application submitted at Deadline 6. The ExA may ask questions on this matter.

3. Site-specific issues for the Applicant

The ExA will ask the Applicant to provide a brief update on the progress of negotiations with Affected Persons (APs) and the timetable for their conclusion.

The ExA may ask questions of the Applicant about matters arising from written and oral submissions.

4. Site-specific representations by APs

The ExA will ask APs to briefly set out any outstanding concerns in relation to CA and / or TP for the land which they own and / or occupy that have not been addressed by the Applicant.

The ExA may ask questions of APs about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

5. Statutory Undertakers

The ExA will ask the Applicant to summarise any outstanding matters arising from representations by Statutory Undertakers.

Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.

The ExA may ask questions of the Statutory Undertaker or other relevant body, and the Applicant, about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

6. Crown Land

The Applicant will be asked to provide an update on matters relating to Crown Land.

7. Review of issues and actions arising

8. Any other matters

9. Closure of the hearing

Notes on participation, conduct and management of the hearing

All APs are invited to attend the CAH2. 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 AP is entitled to make oral representations at the Hearing. However, this is subject to the ExA's power to control the Hearing.

The ExA would find it helpful for the following attendees to participate in CAH2:

- Highways England (the Applicant) - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- Any Affected Persons who wish to discuss CA or TP matters;
- Norfolk County Council; and
- Statutory Undertakers – including Cadent Gas Ltd and Anglian Water Services Ltd

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

At present, there are no requests to be heard from Statutory Undertakers or other relevant bodies. However, the ExA will endeavour to accommodate further requests to be heard from such bodies if these are made.

Guidance under the Planning Act 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 20 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.

As this is the second CAH scheduled to be held in this Examination, the ExA does not intend to re-examine the Applicant's CA and TP case.

The Applicant and any APs with outstanding objections to CA and or TP proposals are entitled to be heard.

The business of a CAH is limited to the effects of CA and TP and to participation by the Applicant and APs. Oral submissions on other subject matters or from persons who are not APs will not be heard. Any such issues must be brought to another hearing: either an Issue Specific Hearing (ISH) where the issue sought to be raised is relevant to the purpose of and agenda for the hearing, or to the Open Floor Hearing (OFH) where APs may raise any relevant and important matter.

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

Purpose of the CAH3

The purposes of CAH3 is:

- To enable the ExA to inquire into the Applicant's case for CA of land or rights over land and / or to take TP of land;
- To discharge the ExA's duty to hear persons affected by CA and TP proposals (APs) who request to be heard;
- To enable the ExA to consider whether relevant legal and policy tests applicable to CA and TP proposals have been met; and
- To address related matters.

Key documents for CAH3:

- Request for non-material change to the application [REP6-007];
- the Book of Reference Rev 6 [REP6-002];
- the Funding Statement [APP-020];
- the Statement of Reasons Rev 2 [REP4-014];
- the Compulsory Acquisition Schedule Rev 7 [REP6-005];
- the s127 Statutory Undertakers Land and Rights Progress Schedule and s128 Statutory Undertakers Apparatus Progress Schedule Rev 3 [REP5-012];
- the Draft Development Consent Order Rev 4 [REP5-002];
- Land Plans [APP-005] and Land Plans Rev 1 [REP4-002];
- Works Plans [APP-006] and Works Plans Rev 1 [REP4-003];
- General Arrangement Plans Rev 3 [REP4-006];
- Crown Land Plans Rev 1 [AS-003]; and

Please Note:

Matters concerning Protective Provisions will be discussed at the Issue Specific Hearing 3 to be held on Tuesday 9 November 2021 at 2:00pm.

Contingencies

The ExA will endeavour to hear all participants. If the CAH3, or parts of it, are unable to proceed, for example for technical reasons, then the ExA may adjourn incomplete business to later in the Examination Timetable or defer to further written questions. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

Microsoft Teams

The CAH3 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:

A47BlofieldtoNorthBurlingham@planninginspectorate.gov.uk

0303 444 5000

Digital recording

A digital recording will be made of the hearing. This will be made available on the project page of the National Infrastructure website.

If you take part in the hearing it is important that you understand that your comments will be recorded and that the digital recording will be published and retained, usually for a period of 5 years from the Secretary of State's decision.

As such the Planning Inspectorate is subject to the General Data Protection Regulations. It is very unlikely that the ExA will ask you to put sensitive personal information such as email addresses and economic, financial, cultural or health related matters into the public domain. Indeed, the ExA would actively encourage you not to do that.

However, if for some reason you feel that it is necessary for you to refer to sensitive personal information the ExA would encourage you to speak to the case team in the first instance. The case team would then explore with you whether the information could be provided in a written format which could then be appropriately redacted before being published.

Please bear in mind that the only official record of the proceedings will be the digital recording that will be placed on the project page of the National Infrastructure website. Tweets, blogs and similar communications arising out of the hearing will not be accepted as evidence in the Examination of this application.