



## HEARING AGENDA

### Application by Highways England for an Order Granting Development Consent for the A428 Black Cat to Caxton Gibbet Improvements

#### Compulsory Acquisition Hearing 1 (CAH1)

<b>Date</b>	Wednesday 22 September 2021
<b>Timings</b>	Arrangements Conference: 12:30 pm
	Hearing Start Time: 01:00 pm
<b>Location</b>	Virtual event on Microsoft Teams

#### Requested Attendees

1. Applicant
2. Bedford Borough Council (BBC)
3. Central Bedfordshire Council (CBC)
4. Cambridgeshire County Council (CCC)
5. South Cambridgeshire District Council (SCDC)
6. Huntingdonshire District Council (HDC)
7. Affected Persons wishing to make an oral representation

In addition, the Examining Authority (ExA) welcomes involvement from any other persons or their representative whose land and/or rights are affected and who wish to make a representation in respect of the application at the Compulsory Acquisition Hearing (CAH1).

You were required to confirm attendance and your intention to participate at the CAH1 by Procedural Deadline C, Tuesday 31 August 2021.

#### Purpose of the CAH1

The purpose of the CAH1 is to examine:

1. the Applicant's strategic case for Compulsory Acquisition (CA) and Temporary Possession (TP) in line with relevant legal tests and guidance;
2. the matters and objections raised by Affected Persons;
3. update on negotiations with Affected Persons and statutory parties; and
4. forward look at the timescales and expected progress over the course of the Examination.



## Documents

The ExA referred to several documents in the preparation of this agenda, and some of the documents that we will be referring to during the Hearing are listed here. These documents can be located using the Examination Library reference number in [] square brackets:

1. draft Development Consent Order (dDCO) [REP1-003];
2. Land Plans [APP-008];
3. Statement of Reasons [APP-030];
4. Funding Statement [APP-031];
5. Book of Reference (BofR) [APP-032];
6. CA Schedule – Rev 1 [REP1-024]
7. Statutory Undertakers Progress Schedule – Rev 1 [REP1-036]
8. Progress on plots effected by Article 40(1)(d) [REP1-022, Annex to WQ1.7.3.21]

## AGENDA

The Hearing will start promptly at the indicated time of 1:00 pm. All other times in the Agenda are indicative. The ExA will close the Hearing at 5:30 pm, or sooner if all relevant matters have been covered.

### 12:30 pm Arrangements Conference

1. Registration by the Case Team

### 01:00 pm Compulsory Acquisition Hearing 1 (session 1)

1. Welcome by Lead Member of the Examining Authority (ExA)
2. Procedure for running the virtual CAH1
- 3. Applicant's strategic case for CA and TP**
  - a. Purposes for which the CA and TP powers are sought comply with s122(2) of PA 2008;
  - b. Consideration given to all reasonable alternatives to CA and TP;
  - c. Summary of reasons why the CA and TP rights to be acquired, are necessary and proportionate;
  - d. Having regard to section 122(3) of the PA 2008, whether there is a compelling case in the public interest for the CA in relation to:
    - i. the need in the public interest for the project to be carried out.
    - ii. the private loss to those affected by compulsory acquisition.

### 4. Affected Persons' Site Specific Representations



The ExA will give an opportunity to Affected Persons listed here and any others, to make an oral representation in addition to any submissions that are already in Examination. It is not essential to make an oral representation if you feel that the matters that you wish to raise have been covered in your submission(s) so far. Whether or not an oral representation at CAH1 is made, you can continue to provide written submissions at relevant Deadlines and oral representations at subsequent Hearings (if they are held).

The ExA will invite the Applicant to respond to each representation individually in this agenda item, in addition to the general update in Agenda item 6.

The list of speakers is ordered roughly from west to east following the route of the Proposed Development and is in no particular order of importance.

- a. C. Croft & Sons of Little Birchfield Farm
- b. Richard Bates and Janet Must
- c. Mrs Diane Sharman and H G Sharman & Son
- d. Buchanans of Dove House Farm, Wyboston
- e. Woodthorpe Hall Garden Centres Limited
- f. Travelodge Hotels Ltd
- g. Welcome Break Services Ltd
- h. Bedford Borough Council
- i. J & J W Lammie
- j. W A Infield & Sons
- k. The Executors of N A Alington
- l. Eynesbury Plant Hire
- m. Lanesons Limited of Tithe Farm
- n. Messers Pearson
- o. Davison & Company (Great Barford) Limited
- p. The Church Commissioners of England
- q. National Farmers Union
- r. Any others

**02:00 pm**      **Break**

**02:15 pm**      **Compulsory Acquisition Hearing 1** (session 2)

**5. Affected Persons' Site Specific Representations** (continued if required)

**6. Applicant's update on the CA Schedule**

- a. List and update the status of negotiations for all plots in the BofR and Land Plans that are not included in the CA schedule



- b. Summarise outstanding objections and progress on negotiations on alternatives to CA;
- c. Whether any further changes are required to the Order limits for the Proposed Development; and
- d. Timescales and expected progress over the course of the Examination.

## **7. Representations from Statutory Undertakers**

The ExA will give an opportunity to Statutory Undertakers listed below and any others, to make an oral representation in addition to any submissions that they have already submitted into Examination. It is not essential to make an oral representation if you feel that the matters that you wish to raise have been covered in your submission(s) into the Examination. Whether or not an oral representation at CAH1 is made, you can continue to provide written submissions at relevant Deadlines and oral representations at subsequent Hearings (if they are held).

The ExA will invite the Applicant to respond to each representation individually in this agenda item, in addition to the general update in Agenda item 8.

The list below is in no particular order of importance.

- a. National Grid Electricity Transmission Plc and National Grid Gas Plc (National Grid)
- b. South Staffordshire Water plc
- c. Anglian Water Services Limited

## **8. Applicant's update on Statutory Undertakers Progress Schedule**

- a. The Applicant to summarise progress on negotiations with Statutory Undertakers;
- b. Timescales and expected progress over the course of the Examination.

**03:45 pm**      **Break** (if required)

**04:00 pm**      **Compulsory Acquisition Hearing 1** (session 3)

## **9. Draft Development Consent Order**

- a. Article 25 – Compulsory acquisition of land, and alignment with of Advice Note 15 (paragraph 23.4)
- b. Applicant's approach to crossover plots and the information provided during consultation with Affected Persons



- c. Further clarification on Article 28 and 40, particularly with respect to the information provided during consultation with Affected Persons

## **10. Crown Land**

- a. Update of progress in securing written consent under s135(2) from the Crown Estate for inclusion of the Crown plots
- b. Confirmation that criteria in s.135(1) (a) have been met

## **11. National Trust Land and Special Category Land**

- a. Applicant to confirm that National Trust Land and Special category Land is not included in the order limits

## **12. Funding**

- a. Any further updates to the Funding Statement
- b. Whether adequate funding is likely to be available to enable the CA to proceed within the statutory period following, and in the event of the dDCO being made

## **13. Human Rights and Public Sector Equality Duty**

- a. Regard given to Articles 8 and 6 of the European Convention on Human Rights (ECHR) and Article 1 of the First Protocol
- b. The degree of importance attributed to the existing uses of the land proposed to be acquired
- c. The weighing of any potential infringement of ECHR rights against the potential public benefits if the dDCO is made.
- d. Implications arising from the Public Sector Equality Duty

## **14. Procedural decisions, review of actions and next steps**

## **15. Closing remarks**

05:30 pm

**Close of Compulsory Acquisition Hearing 1**