



HEARING AGENDA

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

Compulsory Acquisition Hearing 2 (CAH2)

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| Date | Thursday 2 December 2021 |
| Timings | Arrangements Conference: 01:20 pm |
| | Hearing Start Time: 02:00 pm |
| Location | Virtual event on Microsoft Teams |

Requested Attendees

1. Applicant
2. Affected Persons wishing to make an oral representation
3. Bedford Borough Council (BBC)

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 (CAH2).

You were required to confirm attendance and your intention to participate at the CAH2 by Procedural Deadline D, Tuesday 16 November 2021.

Purpose of CAH2

The purpose of CAH2 is to examine:

1. the Applicant's changes to the Book of Reference (BoR);
2. the matters and objections raised by Affected Persons and statutory parties;
3. an update on negotiations with Affected Persons and statutory parties;
4. Public Sector Equality Duty (PSED) and Human Rights with regards to the effects of the Proposed Development, in particular on the occupier at Brook Cottages; and
5. a 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. Land Plans [REP4-002];
2. Crown Land Plans [REP4-004]
3. BoR [REP4-010];
4. Statement of Reasons [APP-030];
5. Funding Statement [APP-031];
6. Compulsory Acquisition (CA) Schedule [REP4-027];
7. Statutory Undertakers Progress Schedule – Rev 1 [REP4-029]; and
8. draft Development Consent Order (dDCO) [REP4-006];
9. Equality Impact Assessment [APP-245].

AGENDA

The Hearing will start promptly at the indicated time of 02:00 pm. All other times in the Agenda are indicative. The ExA will close the Hearing at 4:45 pm, or sooner if all relevant matters have been covered.

01:20 pm Arrangements Conference

1. Registration by the Case Team

02:00 pm Compulsory Acquisition Hearing 2 (session 1)

- 1. Welcome by Lead Member of the Examining Authority (ExA)**
- 2. Procedure for running the virtual CAH2**
- 3. Changes to the Book of Reference**

The ExA requests the Applicant to use Land Plans and Crown Land Plans as submitted or marked up to explain the changes to the BoR for this agenda item. Should the Applicant choose to use marked up Land Plans and Crown Land Plans for this agenda item, please submit the marked up Plans to the Planning Inspectorate (PINS) as a Hearing submission by noon on **Monday 29 November 2021**.

These plans will be added to the Examination Library (EL) before the CAH2 commences. The Applicant will be requested to screen share the relevant Plans during this agenda item for the ExA, and all attendees and observers. Should attendees encounter technical



difficulties in participating in the Hearing, due to screen sharing, the ExA may decide to stop the screen sharing. In that instance, attendees can refer to the relevant Plans from the EL on their own devices either during the Hearing or after it.

ExA will examine the changes to the BoR to test:

- a. if any changes constitute changes to order limits;
- b. if there are any changes to the rights over land;
- c. if there are any new Category 1 and Category 2 Affected Persons;
- d. if as a result of any changes there is required a process to notify any new Affected Persons of their rights to become an Interested Party and request a Compulsory Acquisition Hearing and Open Floor Hearing; and
- e. if as a result of any changes Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) is engaged; and
- f. if as a result of these changes there are any corresponding changes to the dDCO, the Statement of Reasons and Funding Statement.

The ExA will test the implication of the changes of the BoR as listed here, in the following instances. The plots listed below may not be the exhaustive list of the plots where there are changes in the BoR. The Applicant is requested to provide a complete schedule of changes to the BoR or indicate where in the current submissions the schedule of changes can be found. The schedule will be request as a post Hearing submission, or the Applicant may submit alongside the marked up plans by noon on **Monday 29 November 2021**.

- a. Implications of the changes proposed in the BoR with respect to the removal of plots: 1/16c, 9/12a, 9/12b, 10/7a, 10/7b, 12/8a, 13/4h, 13/4i, 13/4j, 13/4k, 13/10a, 13/10b, 13/10c, 13/10d, 13/10e, 14/6d, 14/7a, 14/7b, 14/7c and any others.
- b. Implications of the changes proposed in the BoR with respect to the introduction of new parcels: 1/37c, 1/55a, 1/55b, 1/55c, 9/9b, 9/9c, 10/5e, 10/5f, 12/9a, 13/4a, 13/4b, 13/4c, 13/4d, 13/4e, 13/4f, 13/4g, 13/4h, 13/4i and any others.
- c. Implication of the change proposed in the BoR with respect to the size of land parcels 1/37a, 14/6b, 14/6c, 14/6e and any others.
- d. Implication of the change of Category 1 person with respect to plots: 1/7a, 1/14a, 1/15a, 1/15b, 1/16a, 1/16d, 1/16e, 1/16f, 1/16g, 1/16h, 1/16i, 1/19a, 1/22a, 1/24a, 1/48a, 2/9a, 2/10a and any others.



- e. Implication of the change of Category 1 and Category 2 persons with respect to plots: 1/40a, 1/40c, 2/9a, 2/10a, 2/11a, 2/11b, 2/12a, 2/12b, 2/14a, 2/14b, 2/15a, 2/15b, 2/16b, 2/19a, 2/19b, 2/19c and any others.
- f. Implication of the change of interest and Category 2 persons with respect to plots: 1/43a, 2/35a and any others.
- g. Implication of additional tenants and occupiers with respect to plot 1/21a, 1/21d, 1/21e, 1/23a, 1/23h, 1/23i, 1/23j, 2/18a, 2/18b, 2/18c (confirmation of the information from RR-028), and any others.
- h. Implication of change of address and Category 2 person at plots: 1/38a, 3/10j, 3/10k, 3/10l, 3/10m, 6/8a, 6/8b, 6/8c, 6/8d, 6/8e, 6/8f, 6/8g, 6/8h, 11/4d, 11/4f and any others.
- i. Implication of change of interest with respect to plots: 2/1e and any others.
- j. Implications of S56 notice returned to sender with respect to plot 2/5a and any others.
- k. Matters pending for plot 13/6b.

03:00 pm

Break

03:15 pm

Compulsory Acquisition Hearing 2 (session 2)

4. Affected Persons' Site Specific Representations

The ExA will give an opportunity to Affected Persons 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 CAH2 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 5.

5. Applicant's update on the CA Schedule

- a. Update the status of negotiations in the CA schedule [REP4-027]
- b. Timescales and expected progress over the course of the Examination

6. Public Sector Equality Duty and Human Rights

To consider the effect of the Proposed Development on persons with protected characteristics in accordance with PSED under the Equality



Act 2010, and in accordance with the Human Rights Act 1998, in particular with respect to the occupier(s) at Brook Cottages, the ExA intends to explore a number of matters. The indicative areas of investigations are largely listed here in this agenda. We acknowledge that these investigations will include personal and sensitive information and information that reveals specific circumstances and needs of individuals. As such, the ExA intends to examine only some matters at the Hearing, while matters highlighted in *italics* will be examined through a request for further information issued under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, from specific Interested Parties. Subsequently the information included in written submissions will be redacted in line with [PINS Advice Note 8.4](#) and related rationale applied at the discretion of the ExA. Respondents should also have regard to redactions already made (such as in [REP4-037]) when preparing responses.

- a. Update from BBC on the Applicant's Equality Impact Assessment and views regarding PSED in relation to the occupier of Brook Cottages [REP4-049, Q2.1.1.1, Q2.12.2.1] [REP4-037, Q2.1.1.1, Q2.12.2.1]
- b. How can the Applicant's case regarding the efforts made to negotiate with and support, particularly the owner(s) and occupier(s) of Brook Cottages, be corroborated? BBC and its agencies or the owner(s) and occupier(s) of Brook Cottages may respond.
- c. ***Please respond in writing only, in line with the request for further information that will be issued by the ExA: The ExA requests further information about the occupier(s)'s of Brook Cottages protected characteristics in line with S4 and S149(7) of the Equality Act 2010, in order to test the effects of the Proposed Development, the adequacy of the proposed measures and proportionality assessment. The ExA will request this information to be provided by the occupier(s) of Brook Cottages, or someone authorised by them to respond on their behalf.***
- d. ***Please respond in writing only, in line with the request for further information that will be issued by the ExA: Is Brook Cottages the only home for the current occupiers, and do they have alternative accommodation if CA is authorised? The ExA will request this information to be provided by the occupier(s) of Brook Cottages, or someone authorised by them to respond on their behalf.***
- e. ***Please respond in writing only, in line with the request for further information that will be issued by the ExA: Would children be affected? The ExA will request this information to be provided by the occupier(s) of Brook Cottages, or someone authorised by them to respond on their behalf.***



- f. *Please respond in writing only, in line with the request for further information that will be issued by the ExA: Applicant, you have referred to a number processes that you have started to support the occupier(s) of Brook Cottages [REP4-037, Q2.1.1.1, Q2.12.2.1]. Provide evidence and an update including an indication of timescale for completion relative to this Examination.*
- g. *Please respond in writing only, in line with the request for further information that will be issued by the ExA: What would be the implication on the occupier(s) of Brook Cottages if agreement is not reached with the Applicant?*
- h. The ExA is examining the alternatives with respect to Black Cat Junction and the consequent demolition of Brook Cottages, in three related but distinct areas: EIA, loss of historic asset and Compulsory Acquisition and the Human Rights Act, in particular Article 1 of the First Protocol and Article 8, of the European Convention on Human Rights. The ExA expects the case of alternatives to be justified in all three areas with specific reference to the relevant policy tests. The case for alternatives will be tested at Issue Specific Hearing 4 on Tuesday 30 November to justify the loss of a historic asset. The ExA will test it again at this Hearing from the point of view of Human Rights and CA.

7. 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.

8. Procedural decisions, review of actions and next steps

9. Closing remarks

04:45 pm

Close of Compulsory Acquisition Hearing 2