



The Planning  
Inspectorate

## Compulsory Acquisition Hearing 1

## Compulsory Acquisition and Temporary Possession

### Examining Authority

### Date

### Speaking Notes

### Venue

M54 to M6 Link Road

Thursday 10 December 2020

10:00 am (Arrangements Conference opens at  
09.30 am)

Virtual on 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 (CAH)</b>
	<b>Session 1: General Case</b>
<b>Item 3</b>	<p><b>The Applicant's general case for CA and TP</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 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>Session 2: National Trust Land</b>
<b>Item 4</b>	<b>National Trust</b> The Applicant to set out the case for TP with regards to section 130 of the PA2008 (as amended) (National Trust land) and in particular to provide an update on progress of negotiations with the National Trust.
	<b>Session 3: Individual cases</b>
	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 summarise 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's 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>1</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 5</b>	<b>Allow Limited</b>
<b>Item 6</b>	<b>Nurton Development (Hilton) Limited</b>
<b>Item 7</b>	<b>I &amp; A Simkin</b>
<b>Item 8</b>	<b>Mann &amp; Hummel Ltd</b>
<b>Item 9</b>	<b>Any other affected party present</b>

<sup>1</sup> 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG 2013)



## The Planning Inspectorate

<b>Item 10</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 11</b>	<b>Next Steps</b>  The ExA will address how any actions placed on the Applicant are to be met.
<b>Item 12</b>	<b>Close</b>

### Please Note:

1. Should all of the matters set out above not be concluded on Thursday 10 December the meeting will be adjourned to Thursday 17 December 2020 also virtually on Microsoft Teams. Details of timings will be announced at the hearing.
2. The ExA may well refer to the following documents during the Hearing and suggests that parties have copies to hand:
  - (a) Statement of Reasons [REP1-056]
  - (b) Funding Statement [APP-022]
  - (c) Land Plans [AS-065]
  - (d) Works Plans [AS-066]
  - (e) Book of Reference [AS-080/AS-081]
  - (f) Revised draft Development Consent Order [REP2-005/REP2-006]
3. Participants should be aware that the Applicant submitted a number of low-resolution versions of documents at Deadline 3. These are available via the relevant webpage and may be easier to use during Hearings than the full-sized documents.
4. It is generally not appropriate to introduce documents at a Hearing. The ExA has set out a list of existing documents that it is likely to refer to above. Should a party consider that any other documents already submitted may need to be referred to in light of the areas for discussion set out above, they should contact the Case Team at [M54toM6linkroad@planninginspectorate.gov.uk](mailto:M54toM6linkroad@planninginspectorate.gov.uk) by 12.00 noon on Friday 4 December 2020.



## The Planning Inspectorate

5. There are matters on this agenda which may also be included in other, earlier Issue Specific Hearings. Subject to timings, the ExA only wishes to discuss matters once, and this will normally take place at the first opportunity.