



Planning Act 2008 – section 92

Application by National Highways (formerly Highways England) for an Order granting Development Consent for the A417 Missing Link project

Agenda for Compulsory Acquisition Hearing 1 (CAH1)

In its letter dated 17 December 2021, the Examining Authority (ExA) notified Interested Parties of its decision to hold a Compulsory Acquisition Hearing on the following date:

Hearing	Date and time	Location
Compulsory Acquisition Hearing 1 (CAH1)	Wednesday 26 January 2022 10.00am (Arrangements conference starts at 09.30am*)	Virtually via Microsoft Teams ¹

*Participants must join the Arrangements Conference in order to register and be permitted access to the Hearing.

About CAH1

A Compulsory Acquisition Hearing is being held to:

- ensure adequate examination of the provisions within the draft Development Consent Order (dDCO) seeking to authorise the Compulsory Acquisition of land and/ or rights over land;
- assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met; and
- assess whether there is a compelling case in the public interest for the land to be acquired compulsorily.

Attendance at the Hearing

The ExA is conducting this Hearing virtually in light of Government restrictions relating to Coronavirus (COVID-19), in particular the Omicron variant, using digital and telephone technology only.

¹ Further information is available in Advice Note 8.6, available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



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Anyone wishing to attend the Hearing who has not already advised the Case Team of this should do so as soon as possible (and by **Monday 17 January 2022 at the latest**), as you will need to be issued with joining instructions to access the Hearing virtually. Please email: A417MissingLink@planninginspectorate.gov.uk.

Parties can join using a computer, laptop, tablet, mobile phone or landline telephone. Invitees will receive full instructions on how to join online or by phone in a separate email shortly before the Hearing, including a joining link or telephone number through which you can join the Arrangements Conference. The joining link and telephone number are for your own personal use and **should not be shared with any other party**.

Please join the Arrangements Conference at the appointed time for the Hearing you have been invited to. The Case Team will admit you from the lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

It is the Applicant's intention to livestream the Hearing, and a link to watch the livestream will be posted on the [project webpage of the Planning Inspectorate's National Infrastructure Planning website](#) closer to the event date. A recording of the Hearing will also be made available on the project webpage shortly after the event.

Participation, conduct and management of Hearing

All Affected Persons (AP) whose land interests are affected under Compulsory Acquisition proposals are entitled to speak at a Compulsory Acquisition Hearing. Those who have indicated a wish to speak are being invited to attend the Hearing. Therefore, the Applicant and the following APs are invited to attend and participate in this Hearing:

- The Joint Councils (Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council);
- Alexander & Angell Ltd;
- Moore Allen & Innocent on behalf of BJ Ford;
- Moore Allen & Innocent on behalf of CE Ford;
- David and Lisa Field;
- FlyUp Limited;
- Gateley Hamer on behalf of National Star Foundation;
- Robert and Patricia de Lisle Wells;
- National Trust; and
- Gloucestershire Wildlife Trust.



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The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will be led by a member of the Panel, supported by other Panel members.

Breaks will be taken during the Hearing as directed by the ExA.

This 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. In particular, it is noted that this agenda has been compiled in advance of written submissions for Deadline 2. As such, matters may have progressed in the interim and any other information or updates provided at this Deadline has not been taken into account. The detail of the agenda may be changed once these documents have been received.

Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including through a further round of Written Questions should the ExA consider this to be valuable and necessary.

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, there may be a need to continue the session for longer on the day or continue the Hearing at a subsequent sitting.

The ExA recognises that other Hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20West/A417-Missing-Link/>

The Hearing will have regard to submissions already set out in the following documents and any subsequent revisions or updates submitted for Deadlines 2. You may find it useful to have copies available on your screen or printed beforehand:

- Draft Development Consent Order [[APP-022](#)];
- Draft DCO Explanatory Memorandum [[APP-023](#)]
- Statement of Reasons [[APP-024](#)];



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- Funding Statement [[APP-025](#)];
- Book of Reference [[APP-026](#)];
- Land Plans [[AS-036](#)]; and
- Special Category Land Plans [[AS-037](#)].

May we draw your attention to **Deadline 3** on the Examination Timetable (**Wednesday 2 February 2022**) and our request to receive full summaries of all oral submissions given at this Hearing by that date by those who made them. Note that any additional illustrative or supporting material that you wish to share must be submitted at Deadline 3, as it will not be possible for you to show it on screen during your contribution to the Hearing.

Please contact the Case Team if you have any questions regarding the arrangements for the Hearing: A417MissingLink@planninginspectorate.gov.uk



Agenda

Project	A417 Missing Link [TR010056]
Title of meeting	Compulsory Acquisition Hearing 1 (CAH1)
Date	Wednesday 26 January 2022
Time	10.00am
Venue	Virtually via Microsoft Teams
Attendees	Invitees

1. Welcome, introductions and Hearing arrangements

2. Purpose of the Hearing

3. Summary of DCO provisions

- 3.1 The Applicant to set out very briefly which Articles engage Compulsory Acquisition and Temporary Possession powers.
- 3.2 The Applicant to summarise very briefly any other provisions in the draft DCO (dDCO) relating to Compulsory Acquisition and Temporary Possession.
- 3.3 The Applicant to set out briefly the consideration of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) in relation to the application.
- 3.4 The Applicant to set out briefly, as above, the consideration of Article 6 of the ECHR.
- 3.5 The Applicant to set out briefly, as above, the consideration of Article 8 of the ECHR.
- 3.6 The Applicant to set out briefly any duties under the Equality Act 2010 in relation to the application.

4. Statutory conditions and general principles

- 4.1 The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the Planning Act 2008 (PA2008).
- 4.2 The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers are sought comply with section 122 of the PA2008.
- 4.3 The Applicant to set out briefly whether all reasonable alternatives to Compulsory Acquisition have been explored?
- 4.4 The Applicant to explain whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate. The explanation should include an end-to-end explanation of the need for Order land widths using visual aids to assist with the appreciation of construction methods and the use of the Order land sought.
- 4.5 Any comments from Affected Persons on the Applicant's general case.
- 4.6 Applicant's right of reply to any comments from Affected Persons.

5. Other Special Category Land



- 5.1 The Applicant to explain the application of s132 of the PA2008 to the dDCO and provide an update on Special Category Land.

6. Statutory Undertakers and Statutory Bodies

- 6.1 The Applicant to list and briefly set out the current position in relation to any applications made under s127 of the PA2008 and not withdrawn.
- 6.2 The Applicant to explain the application of s138 of the PA2008 to the dDCO and list the Statutory Undertakers involved.
- 6.3 The Applicant to set out briefly whether protective provisions are in a satisfactory form that is agreed with the relevant parties listed.

7. Representations from Affected Persons

- 7.1 Affected Persons who requested a Compulsory Acquisition Hearing and wish to make oral representations:

- The Joint Councils;
- Alexander & Angell Ltd;
- Moore Allen & Innocent on behalf of BJ Ford;
- Moore Allen & Innocent on behalf of CE Ford;
- David and Lisa Field;
- FlyUp Limited;
- Gateley Hamer on behalf of National Star Foundation;
- Robert and Patricia de Lisle Wells; and
- National Trust.

- 7.2 Other Affected Persons wishing to make oral representations?
- 7.3 Any section 102 parties or Category 3 persons² wishing to make oral representations.
- 7.4 Interested Parties wishing to make oral representations on the temporary use of land.
- 7.5 Final comments in response from the Applicant.

8. Representations from Statutory Undertakers

- 8.1 The Examining Authority will hear oral representations from:
- Cellnex UK

9. Action points and post-Hearing notes

10. Any other business and closing remarks

11. Close of Hearing

² Those persons whose land is not proposed to be subject to compulsory acquisition but whose land or property may be affected by the construction or use of the proposed development such that they may be able to make claims for compensation (section 57(4) Planning Act 2008 (as amended))