



# The Planning Inspectorate

## Planning Act 2008 – Section 92

### Application by Highways England for an Order granting Development Consent for the A1 in Northumberland: Morpeth to Ellingham

#### Agenda for Compulsory Acquisition Hearing 2 (CAH2)

|                                |                       |
|--------------------------------|-----------------------|
| <b>Date:</b>                   | Tuesday 20 April 2021 |
| <b>Joining available from:</b> | 9.40am <sup>1</sup>   |
| <b>Meeting start time:</b>     | 10.00am <sup>2</sup>  |
| <b>Location:</b>               | Virtual event         |

#### Issue Specific Hearings

All Affected Persons are invited to attend the Compulsory Acquisition Hearing but as this event is being held virtually it would assist with the running of the Hearing if you could let the Inspectorate's Case Team ([A1inNorthumberland@planninginspectorate.gov.uk](mailto:A1inNorthumberland@planninginspectorate.gov.uk)) know by **Friday 16 April** if you wish to participate in the Hearing so that the relevant instructions can be sent for you to join the event.

Each Affected Person is entitled to make oral representations at the Hearing. However, this is subject to the Examining Authority's (ExA) power to control the Hearing.

The ExA requests that the following attendees participate in CAH2:

- **Highways England (the Applicant)** - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- **Affected Persons**- including representatives from the Brockthorpe Consultancy and George F White LLP;
- **Northumberland County Council (NCC);**
- **Environment Agency (EA);**
- **Natural England (NE);** and
- **Statutory Undertakers.** – including National Grid Gas [RR-007], Northern Gas Networks Limited [RR-009] Northumbrian Water and Northern Powergrid

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<sup>1</sup> Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

<sup>2</sup> If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

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 (PA 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.

This is the second of three CAHs proposed to be held in this Examination. Provision has been made for a third CAH (CAH3) to be held during the week beginning 7 June 2021. Please note that CAH3 will only proceed if required. If all necessary oral process investigations are completed beforehand CAH3 will not proceed. If further CAHs are required, they are likely to enable only supplementary questions to be asked by the ExA. They will not re-examine the Applicant's CA and TP case. For these reasons, it is important that any AP with outstanding objections to CA and/ or TP proposals who wishes to be heard should attend this Hearing.

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 an

Open Floor Hearing (OFH) where IPs 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 Compulsory Acquisition Hearing (CAH2)**

The purposes of the second Compulsory Acquisition Hearing are:

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

### **Key Documents for CAH2**

- Book of Reference [AS-021] (clean) [AS-021] (tracked);
- Funding Statement [APP-019];
- Statement of Reasons [REP5-008] (clean) and [REP5-009] (tracked);
- Appendix CA.1 Compulsory Acquisition Schedule [REP5-020] (clean) and [REP5-021] (tracked);
- Appendix CA.2 S127 Statutory Undertakers Land and Rights [REP1-038]
- Appendix CA.3 S138 Statutory Undertakers Rights and Apparatus [REP1-039];
- Appendix CA.4 Temporary Possession Powers [REP1-040];
- Appendix CA.5 Compulsory Acquisition – Affected Persons and Effects on Human Rights [REP1-056]; and
- Draft Development Consent Order [REP5-005] (clean) and [REP5-006] (tracked).



## **Compulsory Acquisition Hearing 2**

**10:00am, Tuesday 20 April 2021.**

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. 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.

- 3. 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

- 4. Statutory Undertakers' Land Issues**

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.

**5. Review of issues and actions arising**

The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken in further Hearings, in the light of issues raised in this Hearing.

**6. Any other matters**

The ExA to provide Update on Site Inspections.

**7. Closure of the hearing**